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MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 37

October 2, 1939 - June 8, 1942

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NOTES ON ROLL 37

The three volumes reproduced on this roll have the following backstrip titles: (1) "Minutes / 1939 / Supreme Court / of the / United States"; (2) "Minutes / 1940 / Supreme Court / of the / United States"; and (3) "Minutes / October / Term / 1941 / Supreme Court / of the / United States." They contain the minutes of the Supreme Court of the United States from October 2, 1939, to June 8, 1942.

The first volume contains the minutes of the Court from October 2, 1939, to June 3, 1940; the second, from October 7, 1940, to June 2, 1941; and the third, from October 6, 1941, to June 8, 1942.

VOLUME

1939

MONDAY, OCTOBER 2, 1939.

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday in October (being the 2nd day of the same month) in the year of our Lord one thousand, nine hundred and thirty-nine and of the Independence of the United States the one hundred and sixty-fourth, The Supreme Court of the United States met agreeably to law.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Francis M. Shea, Esquire, of Buffalo,
State of New York; and

Smauel O. Clark, Jr., Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that Masaji Marumoto, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs G. Simpich, It is ordered that Ernest C. Lum, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Randolph Neal, It is ordered that

Harve M. Duggins, Esquire, of Knoxville,
State of Tennessee;

Hal Petty, Esquire, of Knoxville,
State of Tennessee; and

A. Thurman Ridley, Esquire, of Knoxville,
State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that William M. Kearney, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard F. Bresee, It is ordered that Everett L. Gordon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fontaine C. Bradley, It is ordered that

Benjamin H. Matthews, Esquire, of Chicago,
State of Illinois; and

James P. Dillie, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip F. Dodson, It is ordered that Charles Emory Taintor, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Cameron Burton, It is ordered that Joseph C. Vesely, Esquire, of Hopkins, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Robert M. C. Littler, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that

Dwight L. McCormack, Esquire, of Dallas,
State of Texas;

Edward P. X. Ryan, Esquire, of New York,
State of New York; and

Walter C. Hardesty, Jr., Esquire, of Daytona Beach,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank P. Nesbit, It is ordered that

Hayden C. Covington, Esquire, of San Antonio,
State of Texas; and

Richard C. Goodspeed, Esquire, of Los Angeles,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that Juan Nevares Santiago, Esquire, of Fajardo, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Amasa M. Holcombe, It is ordered that Prentice E. Edrington, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Preston Swecker, It is ordered that Curtis B. Camp, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Pauline M. Floyd, It is ordered that Ruth Alberta Clark, of Miami Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Neale, It is ordered that George H. McWherter, Esquire, of Greensburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Henry Russell, Lawrence Miller, et al., etc.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al., etc.

Motion for leave to file brief as amicus curiae submitted by Mr. Henry Woog.

Henry Russell, Lawrence Miller, et al., etc.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al., etc.

ON CONSIDERATION of the motion of Mr. Henry Woog for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

10, Original vs.

The State of New Mexico, et al.

Final report submitted by Mr. Charles Warren, Special Master.

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Ex parte Northern Pacific Railroad Company,

Petitioner.

—, Original

Motion for leave to file petition for writ of mandamus submitted by Mr. Raymond M. Hudson for the Petitioner.

State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,

Complainant,

—, Original vs.

Harry H. Woodring, Secretary of War of the United States.

Motion for leave to file Bill of Complaint submitted by Mr. Mac Q. Williamson for the Complainant.

The State of Wyoming,

Complainant,

10, Original
O. T. 1935 vs.

The State of Colorado.

Motion for leave to file petition for rule to show cause submitted by Mr. James A Greenwood and Mr. W. J. Wehrli for the Complainant.

Royal Indemnity Company,

Petitioner,

12 vs.

Woodbury Granite Company, Inc., et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the writ of certiorari in this case;

Therefore, pursuant to said stipulation, IT IS ORDERED by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel. William W. Vars,

Appellant,

21 vs.

W. V. Knott, State Treasurer, etc.

Suggestion of death of the party Appellant submitted by Mr. Dean Acheson for the Appellant.

State of Florida, ex rel. Hardware Mutual Casualty Company, et al.,

Appellants,

22 vs.

W. V. Knott, State Treasurer, etc.

Motion to vacate judgment of the Supreme Court of Florida submitted by Mr. Dean Acheson for the Appellants.

John G. Getz, Jr., et al.,
Petitioners,
89 vs.
Edinburg Consolidated Independent School District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the Petitioners have filed a motion to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Hamilton Gas Company, a Corporation and A. P. McCue, et al., Trustees of Hamilton Gas Company,
Petitioners,
101 vs.
Inland Gas Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the Petitioners have filed a motion to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Piney Oil & Gas Company,
Petitioner,
102 vs.
Inland Gas Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Hamilton Gas Company, a Corporation and A. F. McCue, et al., Trustees of Hamilton Gas Company,

Petitioners,

103 vs.

Inland Gas Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the Petitioners have filed a motion to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Piney Oil & Gas Company,

Petitioner,

104 vs.

Inland Gas Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, October 9, next, at 12 o'clock.

MONDAY, OCTOBER 9, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Annalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Cutler W. Halverson, Esquire, of Yakima,
State of Washington;

Martin M. Lore, Esquire, of Milwaukee,
State of Wisconsin;

Edward O'Donnell Neel, Esquire, of Augusta,
State of Georgia; and

Benjamin Myron Parker, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that

George A. Meacham, Esquire, of Clinton,
State of Oklahoma; and

Sandy H. Singleton, Esquire, of Duncan,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that William Byram Holst, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard H. Levinson, It is ordered that Robert Reynolds Willard, Esquire, of Ventura, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William F. Purdy, It is ordered that

Edmund F. Lamb, Esquire, of New York,
State of New York; and

John E. Purdy, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Wilkins, It is ordered that Andrew B. Trudgian, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Miller, It is ordered that

Roy McKittrick, Esquire, of Jefferson City,
State of Missouri; and

Arthur O'Keefe, Esquire, of Jefferson City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norton L. Goldsmith, It is ordered that

Harry D. France, Esquire, of Louisville,
State of Kentucky;

H. Appleton Fedora, Esquire, of Louisville,
State of Kentucky; and

William Hayes, Esquire, of Covington,
State of Kentucky;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Lee Boatwright, Jr., It is ordered that

George A. Mason, Esquire, of Chicago,
State of Illinois; and

George A. Mason, Jr., Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that

Allen C. Orrick, Esquire, of St. Louis,
State of Missouri;

Frank H. Fisse, Esquire, of St. Louis,
State of Missouri; and

Harry W. Kroeger, Esquire, of St. Louis,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Townsend, It is ordered that John E. Deming, Esquire, of Elizabethtown, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse I. Miller, It is ordered that Bernard H. Reich, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that William Bours Bond, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Lawrence Fly, It is ordered that William H. Thomas, Esquire, of Cleveland,

State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dawes E. Maisbine, It is ordered that Buell F. Jones, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that John C. Stirrat, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Norman Sanford Wolff, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that

Taylor E. Wilhelm, Esquire, of Ottawa,
State of Illinois; and

Leonard J. Grossman, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale D. Drain, It is ordered that Richard S. Munter, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Marie K. Baddour, as Administratrix C. T. A. of Raschid S. Baddour, Deceased,

Appellant,

75 vs.

The City of Long Beach.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

The People of the State of New York, ex rel. Retsof Mining Company,

Appellant,

143 vs.

Mark Graves, John J. Merrill and John P. Hennessey, Constituting the State Tax Commission of the State of New York.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Highway Steel & Manufacturing Company, Appellant, vs. Crawford County Circuit Court and J. O. Kincannon, The Judge Thereof. — Appeal from the Supreme Court of the State of Arkansas.

150

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Fred P. Brown, Appellant, vs. Commonwealth of Massachusetts. — Appeal from the Superior Court, County of Suffolk, Commonwealth of Massachusetts.

194

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court, County of Suffolk, Commonwealth of Massachusetts, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Radium Dial Company, Appellant, vs. Edward T. Ryan, Clerk of the Circuit Court of LaSalle County, Illinois. — Appeal from the Supreme Court of the State of Illinois.

212

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

People of the State of Illinois, ex rel. Emil Eitel and Karl Eitel,

Appellants,

296 vs.

John Toman, as Successor to Horace G. Lindheimer, etc., et al.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

People of the State of Illinois, ex rel. Sears, Roebuck & Co.,

Appellant,

297 vs.

John Toman, as Successor to Horace G. Lindheimer, etc., et al.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of this case.

Hibbard, Spencer, Bartlett & Company, a Corporation,

Appellant,

vs.

City of Chicago, a Municipal Corporation.

Appeal from the Appellate Court of the State of Illinois, First District, 1st Division.

322

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Court of the State of Illinois, First District, 1st Division, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

The Trustees of Pillsbury Academy, a Corporation,

Appellant,

vs.

The State of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

173

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and adjudged by this Court that the

judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Black took no part in the consideration or decision of this case.

The Trustees of Pillsbury Academy, a Corporation,

Appellant,

174 vs.

The State of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Black took no part in the consideration or decision of this case.

Carolene Products Company,

Appellant,

301 vs.

Henry A. Wallace, Secretary of Agriculture of the United States, et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the said District Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court

that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

State of Florida, ex rel. William W. Vars,

Appellant,

21 vs.

W. V. Knott, State Treasurer and Insurance Commissioner of the State of Florida, as Insurance Commissioner.

Appeal from the Supreme Court of the State of Florida.

The death of William W. Vars, the Appellant in this cause, having been suggested by counsel for the Appellant;

IT IS ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed without costs to either party in this Court on the ground that the cause of action has abated.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

State of Florida, ex rel. Hardware Mutual Casualty Company, et al.,

Appellants,

22 vs.

W. V. Knott, State Treasurer and Insurance Commissioner of the State of Florida, as Insurance Commissioner.

Appeal from the Supreme Court of the State of Florida.

It appearing to the Court that counsel for the Appellants have filed a motion to vacate the judgment of the lower court and to remand the case on the ground that the cause has become moot;

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the Supreme Court of the

State of Florida for such further proceedings as by that court may be deemed appropriate.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

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Ex parte Richard J. Thomas,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte John S. Farnsworth,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte J. R. Palmer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte Clyde H. Walker, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte E. R. Lindsey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte John F. Struthers,

Petitioner.

—,

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ex parte George Gossman, et al.,

Petitioners.

—

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ex Parte Northern Pacific R. R. Co.,
by Charles E. Schmidt, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Northern Pacific R. R. Co., by
Charles E. Schmidt, et al.,

Appellants,

— vs.

The United States of America, et al.; and

Charles E. Schmidt, et al.,

Appellants,

— vs.

The United States of America,
et al.

ON CONSIDERATION of the applications for the allowance of appeals herein presented to Mr. Justice Reed and referred by him to the Court,

IT IS ORDERED by this Court that the said applications be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of these applications.

State of Oklahoma, Upon the Relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,

Complainant,

—, Original vs.

Harry H. Woodring, Secretary of War of the United States.

A rule is ordered to issue, returnable within forty days, requiring the Defendant to show cause why leave to file the Bill of Complaint should not be granted.

The Court directs the attention of the Attorney General of the United States to this case in which the complainant seeks to restrain the enforcement of an Act of Congress upon the ground that it is repugnant to the Constitution of the United States.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

A rule is ordered to issue, returnable within forty days, requiring the defendant to show cause why leave to file the petition for rule to show cause should not be granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

John T. Kobilkin,

Petitioner,

204 vs.

Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

John T. Kobilkin,

Petitioner,

Order allowing certiorari.

204 vs.

Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William Roy Miller,

Petitioner,

141 vs.

The United States of America.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

William Roy Miller,

Petitioner,

141 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

William Roy Miller,

Petitioner,

141 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Fred Reger,

Petitioner,

86 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Fred Reger,

Petitioner,

86 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Seab S. Nelson,

Petitioner,

106 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Seab S. Nelson,

Petitioner,

106 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jessie Glover, Individually and as Next Friend for Her Minor Children, Yvonne Glover, et al.,

Petitioner,

119 vs.

Compagnie Generale Transatlantique.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Jessie Glover, Individually and as Next Friend for Her Minor Children, Yvonne Glover, et al.,

Petitioner,

119 vs.

Compagnie Generale Transatlantique.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Charles J. Dodge, et al.,

Petitioners,

130 vs.

Frank C. Dodge, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Charles J. Dodge, Samuel R. Dodge and Helen F. Ernst,

Petitioners,

130 vs.

Frank C. Dodge, Lester W. Jenney and the Hills Brothers Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James T. Pell,

Petitioner,

139 vs.

The T. J. Hall Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

James T. Pell,

Petitioner,

139 vs.

The T. J. Hall Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Harry Lacy,

Petitioner,

145 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Harry Lacy,

Petitioner,

145 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Charles Price,

Petitioner,

182 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Charles Price,

Petitioner,

182 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

E. R. Lindsey,

Petitioner,

184 vs.

J. M. McCauley, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

E. R. Lindsey,

Petitioner,

184 vs.

J. M. McCauley, Warden of the State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jerome A. Jacobs,

Petitioner,

188 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Jerome A. Jacobs,

Petitioner,

188 vs.

The State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James E. Boyer,

Petitioner,

199 vs.

The City of Salina, Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

James E. Boyer,

Petitioner,

199 vs.

The City of Salina, Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James E. Boyer,

Petitioner,

200 vs.

Salina Journal, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

James E. Boyer,

Petitioner,

200 vs.

Salina Journal, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Henry W. Pullin,

Petitioner,

205 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Henry W. Pullin,

Petitioner,

205 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Louis E. McGowen,

Petitioner,

208 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Louis E. McGowen,

Petitioner,

208 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

In re Paysoff Tinkoff,

Petitioner.

214

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

In re Paysoff Tinkoff,

Petitioner.

214

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Charles Van Newkirk,

Petitioner,

215 vs.

Cities Service Oil Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Charles Van Newkirk,

Petitioner,

215 vs.

Cities Service Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Walker B. Buckner,

Petitioner,

216 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Walker B. Buckner,

Petitioner,

216 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Emil Pfaff,

Petitioner,

224 vs.

J. M. McCauley, as Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Emil Pfaff,

Petitioner,

224 vs.

J. M. McCauley, as Warden of the Washington State Penitentiary, Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Evelyn A. Horosko,

Petitioner,

227 vs.

The School District of the Township of Mount Pleasant, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Evelyn A. Horosko,

Petitioner,

227 vs.

The School District of the Township of Mount Pleasant, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania..

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania , and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Daniel C. Regan,

Petitioner,

255 vs.

D. A. Remer, Superintendent, United States Prison Camp No. 11, Kooskia, Idaho.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Daniel C. Regan,

Petitioner,

255 vs.

D. A. Remer, Superintendent, United States Prison Camp No. 11, Kooskia, Idaho.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Orville Chester Garrison,

Petitioner,

263 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Orville Chester Garrison,

Petitioner,

263 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Douglas Fouchaux,

Petitioner,

298 vs.

Board of Commissioners of the Port of New Orleans.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Douglas Fouchaux,

Petitioner,

298 vs.

Board of Commissioner of the Port of New Orleans.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Marian Meyers and Harold Laccombe,

Petitioners,

303 vs.

People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Marian Meyers and Harold Laccombe,

Petitioners,

303 vs.

People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Earl Yon,

Petitioner,

305 vs.

State of Florida.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Earl Yon,

Petitioner,

305 vs.

State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Mrs. Edna Hicks,

Petitioner,

336 vs.

National Labor Relations Board, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Mrs. Edna Hicks,

Petitioner,

336 vs.

National Labor Relations Board and Friedman-Harry Marks Clothing Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Henry Yuen, Roy Staton, et al.,

Petitioners,

340 vs.

People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Henry Yuen, Roy Staton, C. E. Circle, et al.,

Petitioners,

340 vs.

People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Grant Spear,

Petitioner,

341 vs.

People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Grant Spear,

Petitioner,

341 vs.

People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Edmond C. Fletcher,

Petitioner,

371 vs.

Charles A. Jones and Paul J. Frizzell, Trustees.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Edmond C. Fletcher,

Petitioner,

371 vs.

Charles A. Jones and Paul J. Frizzell, Trustees.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John F. O'Brien,

Petitioner,

294 vs.

Calmar Steamship Corporation.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

John F. O'Brien,

Petitioner,

294 vs.

Calmar Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Buckstaff Bath House Company,

Appellant,

201 vs.

Ed I. McKinley, as Commissioner of the Department of Labor of the State of Arkansas, et al.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Buckstaff Bath House Company, Appellant, vs. Ed I. McKinley, as Commissioner of the Department of Labor of the State of Arkansas, et al.

Appeal from the Supreme Court of the State of Arkansas.

201

Treating the appeal papers herein from the Supreme Court of the State of Arkansas as a petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said petition for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Abe Fischer, Appellant, vs. Pauline Oil & Gas Company.

Appeal from the Supreme Court of the State of Oklahoma.

239

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Abe Fischer, Appellant, vs. Pauline Oil & Gas Company.

Appeal from the Supreme Court of the State of Oklahoma.

239

Treating the appeal papers herein from the Supreme Court of the State of Oklahoma as a petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said petition for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

John E. Madden, Jr., Executor of the Estate of John E. Madden, Deceased,

Appellant,

92 vs.

Commonwealth of Kentucky, by James W. Martin, Commissioner, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas,

Appellant,

138 vs.

Dixie Greyhound Lines, Inc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

The Bell Telephone Company of Pennsylvania,

Appellant,

252 vs.

Pennsylvania Public Utility Commission.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al.,

Appellants,

270 vs.

Lakeland Highlands Canning Co., Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Paramino Lumber Company, et al.,

Appellants,

271 vs.

Wm. A. Marshall, Deputy Commissioner, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

The United States of America,

Appellant,

78 vs.

The Baltimore and Annapolis Railroad Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Illinois Central Railroad Company,

Appellant,

222 vs.

State of Minnesota.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Ernest Newton Kalb, et al.,

Appellants,

120 vs.

Henry Feuerstein and Helen Feuerstein, His Wife.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Ernest Newton Kalb,

Appellant,

121 vs.

Roscoe R. Luce, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

James Stewart & Co., Inc.,

Appellant,

251 vs.

Katherine Sadrakula, as Administratrix, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

J. K. Wadley, Lillian J. Porter, et al.,

Appellants,

281 vs.

State of Louisiana on the Relation of John L. Munn.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

George W. Griffiths,

Petitioner,

Order allowing certiorari.

49 vs.

Commissioner of Internal Revenue.

The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

V. L. LeTulle,

Petitioner,

63 vs.

Frank Scofield, United States Collector of Internal Revenue for the First District of Texas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Walter E. Pearson, State Treasurer of the State of Oregon,

Petitioner,

69 vs.

Ruth Hayes McGraw, and Edmund Hayes, as Executors of the Last Will and Testament of Edward Stephen Hayes, Deceased, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Oregon is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

American Federation of Labor, International Longshoremen's Association, et al.,

Petitioners,

70 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Postal Steamship Corporation,

Petitioner,

73 vs.

Steamship El Isleo, etc., Southern Pacific Company, Claimant.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Postal Steamship Corporation,

Petitioner,

74 vs.

Southern Pacific Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

110 vs.

Mary Q. Hallock and Central United National Bank of Cleveland, Trustees.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

111 vs.

Mary Q. Hallock, Executrix, Estate of Henry Hallock, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

112 vs.

S. H. Squire, Superintendent of Banks of the State of Ohio, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

South Chicago Coal & Dock Company and London Guarantee & Accident Company, Ltd.,

Petitioners,

262 vs.

Harry W. Bassett, Deputy Commissioner, United States Employees' Compensation Commission, 10th Compensation District.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Chicot County Drainage District,

Petitioner,

122 vs.

The Baxter State Bank and Mrs. Lena S. Shields.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

General American Tank Car Corporation,

Petitioner,

129 vs.

El Dorado Terminal Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Pearl E. Deputy and the Sussex Trust Company, etc.,

Petitioners,

151 vs.

Pierre S. DuPont.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Channan Singh,

Petitioner,

152 vs.

Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco, California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Haggar Company,

Petitioner,

176 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

J. Earl Morgan, Executor of the Estate of Elizabeth S. Morgan, Deceased,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

United States of America, for the use and benefit of Midland Loan Finance Company,

Petitioner,

236 vs.

National Surety Corporation and Patrick J. Malone.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Henry J. Miller,

Petitioner,

237 vs.

Lester Shirl Hatfield, Trustee in Farmer Debtor Bankruptcy, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Elsie V. Keys, as Administratrix of the Estate of Harry A. Keys, Deceased,

Petitioner,

Order allowing certiorari.

242 vs.

Pennsylvania Railroad Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

243 vs.

F. W. Fitch.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Frederick S. Deitrick, Receiver of
the Boston-Continental National Bank,

Petitioner,

246 vs.

Thomas E. Greaney.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Federal Communications Commission,

Petitioner,

265 vs.

The Pottsville Broadcasting Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

National Licorice Company,

Petitioner,

272 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jerry Bruno,

Petitioner,

300 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is advanced and assigned for argument on Monday, November 6th, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Margaret C. Berry, as Administratrix of the Goods, Chattels and Credits Which Were of George H. Berry, Deceased,

Petitioner,

310 vs.

Midtown Service Corporation, Oceanview Realty Operating Company, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York,

Petitioner,

146 vs.

John Thomas Smith.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the

case is assigned for argument immediately following No. 49.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

317 vs.

James Lee Johnson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 146.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William Helis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix of the Estate of Bryan Ward, Deceased, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, limited to the question whether a new trial should not have been granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

56 vs.

The F. & R. Lazarus & Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Mr. Justice Butler took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

253 vs.

International Brotherhood of Electrical Workers and International Brotherhood of Electrical Workers, Local Union 876.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument immediately following No. 70.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Fur Workers Union No. 21238, Affiliated with the American Federation of Labor, an Unincorporated Association,

Petitioner,

80 vs.

Fur Workers Union, Local No. 72, I. Gartenhaus, Josephine Cardoza, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Roberts took no part in the consideration and decision of this application.

Walter J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania,

Petitioner,

183 vs.

Linford B. Cassell, Surviving Executor Under the Will of George F. Uber, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following Nos. 110, 111, and 112.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Rafael Sancho Bonet, Treasurer,

Petitioner,

132 vs.

The Texas Company (P. R.) Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration and decision of this application.

Bhagat Singh, Alias Achal Singh,

Petitioner,

196 vs.

Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 152.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lawrence Yearsley and George Yearsley,

Petitioners,

156 vs.

W. A. Ross Construction Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 72.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William H. Danforth,

Petitioner,

309 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the

case is assigned for argument immediately following No. 156.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Real Estate-Land Title and Trust Company,

Petitioner,

229 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration and decision of this application.

Peter J. Carpenter,

Petitioner,

230 vs.

Wabash Railway Company, Frank C. Nicodemus, Jr., et al., Receivers, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, limited to the question of the right of the petitioner to intervene in order to assert priority.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Frank Carmine Nardone, Nathan W. Hoffman and Robert Gottfried,

Petitioners,

240 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether the trial court correctly disposed of petitioners' claim that a portion of the respondent's evidence was procured through the illegal interception of telephone and telegraph messages and the question of the propriety of a preliminary inquiry to ascertain that fact. The case is assigned for argument immediately following No. 42.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

Vincent G. Rinn, Marshall H. Jackson, Irene S. Jackson and Roger T. Johnson,

Petitioners,

57 vs.

Asbestos Manufacturing Company, Richard J. Evans, Herbert D. Lamont, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Mr. Justice Butler took no part in the consideration and decision of this application.

Town of Walkerton,

Petitioner,

64 vs.

The New York, Chicago and St. Louis Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Kowaleski, Administrator Ad Prosequendem of Henry Kowaleski, Deceased,

Petitioner,

190 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Mr. Justice Butler took no part in the consideration and decision of this application.

George M. Madden, Doing Business as Kohl & Madden Printing Ink Company,

Petitioner,

238 vs.

Mac Sim Bar Paper Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Mr. Justice Butler took no part in the consideration and decision of this application.

Weightstill Woods, Court Trustee, Petitioner,

249 vs.

Indemnity Insurance Company of North America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Roberts took no part in the consideration and decision of this application.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Weightstill Woods, Court Trustee, Petitioner,

250 vs.

Granada Apartments, Inc. and Indemnity Insurance Company of North America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Roberts took no part in the considera-

tion and decision of this application.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the petition for writ of certiorari should be granted.

Federal Trade Commission,
Petitioner,
58 vs.
The Goodyear Tire & Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Stone and Mr. Justice Reed took no part in the consideration and decision of this application.

Winget Knickernick Company, a Corporation and Mary D. Neilson,
Petitioners,
88 vs.
S. S. Kresge Company, a Corporation, J. C. Penney & Company, Incorporated, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

J. L. Prescott Company,
Petitioner,
95 vs.
Proctor & Gamble Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration and decision of this application.

J. L. Prescott Company,
Petitioner,
96 vs.
Proctor & Gamble Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration and decision of this application.

Corn Products Refining Company, et al.,
Petitioners,
98 vs.
Loft, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice, Mr. Justice Butler and Mr. Justice Roberts took no part in the consideration and decision of this application.

John A. McCormick, et al., Petitioners, vs. Reconstruction Finance Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

158

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

John A. McCormick, et al., Petitioners, vs. Reconstruction Finance Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

159

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

Walter R. Werner, et al., Petitioners, vs. Reconstruction Finance Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

160

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

Henry B. Bele, Trustee, et al., Petitioners,
161 vs.
Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

Utility & Industrial Corporation, Petitioner,
162 vs.
Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

R. L. Blaffer, Petitioner,
169 vs.
Commissioner of Internal Revenue; and

W. S. Farish, Petitioner,
170 vs.
Commissioner of Internal Revenue.

ON CONSIDERATION of the application that these cases be consolidated for the purpose of filing petitions for writs of certiorari and that only the record in No. 169 be printed,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

R. L. Blaffer, Petitioner, vs. Commissioner of Internal Revenue. 169 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

W. S. Parish, Petitioner, vs. Commissioner of Internal Revenue. 170 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy A. Thompson, as and Only as Trustee for Missouri Pacific Railroad Company,

Petitioner,

180 vs.

John P. Murphy, et al., as Executors of the Estate of Oris P. Van Sweringen, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

Guy A. Thompson, as and Only as Trustee of Missouri Pacific Railroad Company,

Petitioner,

218 vs.

Terminal Shares, Inc., John P. Murphy, Henry A. Marting, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

Guy A. Thompson, as and only as Trustee of Missouri Pacific Railroad Company,

Petitioner,

219 vs.

Terminal Shares, Inc., Alleghany Corporation, Guaranty Trust Company of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler, Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

Russell Olley, Arthur O'Gara, et al.,

Petitioners,

213 vs.

The Philadelphia & Reading Coal & Iron Company, et al.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Douglas took no part in the consideration and decision of this motion.

Russell Olley, Arthur O'Gara, Joseph Donahue, et al.,

Petitioners,

213 vs.

The Philadelphia & Reading Coal & Iron Company and the Fulton Coal Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Douglas took no part in the consideration and decision of this application.

Dayton Hotel Company,
Petitioner,
313 vs.
Chas. A. Krause Milling Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Douglas took no part in the consideration and decision of this application.

Standard Oil Company of New Jersey, as Owner, Operator, Manager and Controller of the Steamship "Standard,"
Petitioner,
257 vs.
Edwin Bonici.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied since it appears that the judgment has been paid and that the cause has become moot.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Roberts took no part in the consideration and decision of this application.

Federico Fernandez Toste,
Petitioner,
36 vs.
Leslie A. MacLeod, Auditor of Puerto Rico, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Allied Agents, Inc., Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

41

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

C. O. Griffin, Petitioner, vs. Will H. Smith, Collector of Internal Revenue for the District of Indiana. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

46

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

C. O. Griffin,

Petitioner,

47 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Thomas Smith,

Petitioner,

147 vs.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Robert T. Jones, Jr.,

Petitioner,

179 vs.

W. E. Page, Jr. and the First National Bank of Atlanta, Executors of the Estate of W. E. Page, Formerly Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Consolidated Freight Lines, Inc.,
Petitioner,
50 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

F. J. Kross Box Company, Ward Baking Company, Keystone Box Company, et al.,
Petitioners,
51 vs.
The City of Pittsburgh, Cornelius D. Scully, Mayor and I. H. Alexander, Director of Public Health.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Eric Lyders,
Petitioner,
52 vs.
The County of Del Norte.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Melvin Hyman, as Trustee in Bankruptcy of Joseph Benjamin Lane, Bankrupt,

Petitioner,

53 vs.

R. W. McLendon, W. E. McLendon and C. E. McLendon.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John D. Ball,

Petitioner,

54 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Clyde O. Marshall, Elsie M. Marshall, Merrill Kessler, et al.,

Petitioners,

55 vs.

Desert Properties Company, a Common Law Trust, and C. C. Kempley and Knute M. Norswing, as Trustees Thereof.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Oscar E. Bland, and Josephine H. Bland, Husband and Wife,

Petitioners,

59 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Chicago and Northwestern Railway Company,

Petitioner,

60 vs.

Industrial Commission of Illinois, et al.

On petition for writ of certiorari to the Circuit Court of Cook County, State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Cook County, State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

A. F. McCue and B. A. Wise, Trustees of Hamilton Gas Company,

Petitioners,

61 vs.

R. C. Hutchinson, O. K. Hutchinson, W. L. Adkins and Jennie Adkins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

R. C. Hutchinson, O. K. Hutchinson, W. L. Adkins and Jennie Adkins,

Petitioners,

62 vs.

A. F. McCue and B. A. Wise, Trustees of Hamilton Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Edward & John Burke, Ltd.,
Petitioner,
65 vs.
The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Louisville Trust Company,
Petitioner,
66 vs.
National Bank of Kentucky and A. M. Anderson, Receiver of National Bank of Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

C. D. Walker, Trustee in Bankruptcy of the Bankrupt Estate of Lake Nursery Company, a Bankrupt, et al.,
Petitioners,
67 vs.
L. Maxcy, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Roby-Somers Coal Company,
Petitioner,
71 vs.
C. P. Routzahn, Individually and as Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Camelia Rourange, as Administratrix of the Estate of Julio Augusto Rourange, Deceased,
Petitioner,
76 vs.
Columbian Steamship Company, Inc.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Eva Still, et al.,
Petitioners,
79 vs.
Union Circulation Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Cudahy Packing Company,
Petitioner,
81 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Pittsburgh Forgings Company and Pangborn Corporation,
Petitioners,
82 vs.
American Foundry Equipment Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ortiz Oil Company,
Petitioner,
83 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., as Receivers of Wabash Railway Company,
Petitioners,
84 vs.
American Refrigerator Transit Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ellis Shapiro, Samuel Kaufman, Howard Kay, et al.,
Petitioners,
85 vs.
The Evening Times Printing & Publishing Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Phoenix Blue Diamond Express,
Petitioner,
90 vs.
Dorrio Mendez, Loreto Luna and P. N. Estrada, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

California Fruit Growers Exchange,
Petitioner,
91 vs.
The New York, New Haven & Hartford Railroad Company.

On petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Errors of the State of Connecticut, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

F. S. Lewis & Company, Jack A. Benjamin, Richard F. Uhlmann, et al.,
Petitioners,
93 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Israel C. Gellman,
Petitioner,
97 vs.
Oliver Machinery Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Mary E. Robinson, Executrix Under the Will of Addison B. Robinson, Deceased,
Petitioner,
99 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Southern Extract Company,
Petitioner,
100 vs.
Rosalie Green.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Louisville Refining Company,
Petitioner,
105 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lewis H. Kraskin,
Petitioner,
107 vs.
Clara Kraskin.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John D. Hospelhorn, Receiver of the Baltimore Trust Company, etc.,

Petitioners,

108 vs.

Charles S. Corbin.

On petition for writ of certiorari to the Circuit Court of Northampton County, Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Northampton County, Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Michael J. Lane and Emma J. Beuchert,

Petitioners,

109 vs.

Ida Elizabeth Ewald.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

W. E. Bowen and Dakyns B. Stover, Petitioners,

113 vs.

J. Ed. Hart.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Toledo Railways & Light Company, Petitioner,

114 vs.

William V. McMaken, Collector of Internal Revenue, United States of America, Intervenor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Carbo-Frost, Inc., Petitioner,

115 vs.

Pure Carbonic, Incorporated and Carbonic Dispensing, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Charles E. Schmidt, et al., Minority Stockholders of the Northern Pacific Railroad Company, Intervening Petitioners,
Petitioners,

116 vs.

The United States of America, Northern Pacific Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Northern Pacific Railroad Company, by Charles E. Schmidt, et al., Minority Stockholders,
Petitioners,

117 vs.

The United States of America, Northern Pacific Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Grain Handling Company, Inc., and State Insurance Fund of New York,

Petitioners,

118 vs.

Kenneth G. McManigal, Deputy Commissioner, United States Employees Compensation Commission, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

First National Bank of Hughes Springs, Texas, et al.,

Petitioners,

123 vs.

The Century Insurance Company, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Identification Devices, Inc., and James M. Rulong,

Petitioners,

125 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is

now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jesse M. Shreve and Archie C. Shreve,

Petitioners,

126 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Matthew Devoe,

Petitioner,

127 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Galveston Truck Line Corporation, Petitioner, vs. The State of Texas.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 5th Supreme Judicial District.

131

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 5th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Harold Petty, Petitioner, vs. E. H. Carroll, Administrator, etc.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

133

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Walter H. Hanson and J. R. Bean, Petitioners, vs. Hilda Brunn and Benedict Solum.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

134

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Penn Mutual Life Insurance Company, Petitioner, vs. Henrietta T. Porcier and William H. Woodward. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

135

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Minnie I. Meacham, Petitioner, vs. S. M. Halley. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

136

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

New York Life Insurance Company, Petitioner, vs. Edward T. Malloy, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

137

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Moises T. Tolentino, Petitioner, vs. The People of the Philippine Islands. — On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

140

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

W. A. McVay, Petitioner, vs. Charles H. Swift, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

142

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Flora B. Dodd,
Petitioner,
144 vs.
Aetna Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Henry Barnett, Jr.,
Petitioner,
148 vs.
Frank T. Hines, Administrator of Veterans' Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

American Rio Grande Land & Irrigation Company, Debtor, et al.,
Petitioners,
149 vs.
Hidalgo and Cameron County Water Control and Improvement District Number 9.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America ex rel. Steve Jorczak,

Petitioner,

153 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

International-Great Northern Railroad Company, et al.,

Petitioners,

154 vs.

Mary M. Lucas, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 11th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 11th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

T. D. Wilson, et al., Petitioners,
155 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John W. Davis, Petitioner,
163 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United Light and Power Company, Petitioner,
312 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Gilbert D. Hedden, Transferee of Hedden Iron Construction Company,

Petitioner,

390 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Andrew M. Conneen, Jr., Transferee of Hedden Iron Construction Company,

Petitioner,

391 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Hattie S. Hedden, Transferee of Hedden Iron Construction Company,

Petitioner,

392 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Gertrude S. Hedden, Transferee of Hedden Iron Construction Company,

Petitioner,

393 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The People of the State of Illinois, ex rel. James W. Hollie, et al.,

Petitioners,

164 vs.

Chicago Park District, a Municipal Corporation, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Cliffs Corporation, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

165

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jeanne Marie Cable, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

166

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Walter W. Corrigan, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

167

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

R. L. Blaffer & Company, Petitioner,
168 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William W. Bodine, Petitioner,
171 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Renner Company, Petitioner,
172 vs.
McNeff Brothers, a Partnership.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

McKesson & Robbins, Inc., Petitioner, vs. William H. Edwards, Individually and as Collector of Internal Revenue for the Second District of New York.

175

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION OF THE PETITION for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Minnesota Tribune Company, Petitioner, vs. Walter R. Willcuts, Ruth Willcuts and Cecil H. Deighton, as Executors, etc.

177

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States ex relatione the New River Company,

Petitioner,

178 vs.

Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John M. Minnec,

Petitioner,

181 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Mary M. Fabian, Executrix of the Last Will and Testament of Joseph M. Fabian, et al.,

Petitioners,

185 vs.

George B. Conway and Darby Mining Company.

On petition for writ of certiorari to the Supreme Court of the State of Montana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Montana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Meta C. Levey, Executrix of the Estate of Louis H. Levey, Deceased,

Petitioner,

186 vs.

Will H. Smith, Collector of Internal Revenue for the District of Indiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Irene Milinkovitch,

Petitioner,

187 vs.

Superintendent of Insurance of the State of New York, Liquidator of National Surety Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Bank of Commerce Liquidating Company, Petitioner, vs. Louis J. Becker, Collector of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

191

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Mercantile Liquidating Company, Petitioner, vs. Louis J. Becker, Collector of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

192

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Federal Crude Oil Company, Petitioner, vs. Yount-Lee Oil Company, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

197

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Hugh Wells, Trustee in Bankruptcy of the Gustav Schaefer Company, Bankrupt,
Petitioner,
198 vs.
John J. Boyle, Treasurer of Cuyahoga County, Ohio.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ralph Feldman,
Petitioner,
202 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jacob Feldman,
Petitioner,
203 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The A. S. Boyle Company,
Petitioner,
206 vs.
Pacific Marine Supply Company and Webb Products, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Marrs McLean, et al.,
Petitioners,
207 vs.
The Texas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Betty Rogers, O. N. Beasley, Oscar Lawler, et al., etc.,

Petitioners,

209 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Conners Marine Company, Inc.,

Petitioner,

211 vs.

American Molasses Company of New York, Steamship "SEATRAIN HAVANA", Seatrain Lines, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jane Bass, Administratrix of the Estate of Clarence R. Bass, Deceased,

Petitioner,

217 vs.

Mabel A. Dehner, Executrix of the Estate of Thomas P. Detamore, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Manila Electric Company, Petitioner, vs. Pasay Transportation Company. — On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

221

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Carrier Engineering Corporation, Petitioner, vs. Geza Horvath, and McCord Radiator & Manufacturing Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

223

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

C. Leon de Aryan,
Petitioner,
225 vs.
Roy O. Akers.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The General Tire & Rubber Company,
Petitioner,
228 vs.
The Fisk Rubber Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

S. A. Garrison,
Petitioner,
231 vs.
Guy A. Thompson and L. W. Baldwin, Trustees for the Missouri Pacific Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Terminal Railroad Association of St. Louis,

Petitioner,

232 vs.

Ethel Sheehan, as Administratrix of the Estate of William Sheehan, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Annie M. Noble, Committee of Lehman Noble, Incompetent,

Petitioner,

241 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Kellogg Switchboard & Supply Company,

Petitioner,

244 vs.

Michigan Bell Telephone Company and American Telephone & Telegraph Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Kellogg Switchboard & Supply Company, Petitioner, vs. Michigan Bell Telephone Company and American Telephone & Telegraph Company.

245

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Thomas E. Greaney, Petitioner, vs. Frederick S. Deitrick, Receiver of the Boston-Continental National Bank.

247

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Litchfield and Madison Railway Company,
Petitioner,
vs.
William Giesecking.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

248

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Harry J. Merritt, Receiver of Mt. Forest Fur Farms of America, Inc., et al.,
Petitioners,
vs.
Mt. Forest Fur Farms of America, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

254

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

E. H. Coulter, Trustee,
Petitioner,
vs.
Ed Blieden, as Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

258

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Johanna H. Hinshaw, as Administratrix De Bonis Non with the Will Annexed of the Estate of Mary E. Voss, Deceased,

Petitioner,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

259 vs.

New England Mutual Life Insurance Company.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Johanna H. Hinshaw, as Administratrix De Bonis Non with the Will Annexed of the Estate of Mary E. Voss, Deceased,

Petitioner,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

260 vs.

Massachusetts Mutual Life Insurance Company.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Prudential Insurance Company of America,

Petitioner,

261 vs.

F. A. Nelson, Trustee in Bankruptcy of Chickamauga Trust Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Matt J. Walsh and Frank E. Garbutt, Doing Business Under the Firm Name and Style of Garbutt-Walsh,

Petitioners,

264 vs.

M. G. Tadlock, Security Trust & Savings Bank of San Diego, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Crowe Coal Company,

Petitioner,

267 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Haynes Drilling Company,
Petitioner,
269 vs.
Indian Territory Illuminating Oil Company.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Frank Hodorowicz,
Petitioner,
273 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Clem Dowait,
Petitioner,
274 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Peter Hodorowicz, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

275

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Mike Hodorowicz, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

276

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Clem Dowait,
Petitioner,
277 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Pennsylvania Railroad Company,
Petitioner,
278 vs.
Lena Anna Selway, as Administratrix of the Estate of Roger Watts Selway, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John W. Schenck ex rel. Chu Guay Oi,
Petitioner,
279 vs.
Mary H. Ward, United States Commissioner of Immigration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Weightstill Woods, Petitioner, vs. Roy D. Rains and Wife. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

280

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Steve L. Zegura, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

282

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Southwestern Gas & Electric Company, Petitioner, vs. City of Texarkana, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

283

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

City of Los Angeles, a Municipal Corporation of the State of California,

Petitioner,

285 vs.

Irving Trust Company, as Trustee in Bankruptcy of Kountze Brothers, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lucile Atkins Vallette and L. Rittenoure,

Petitioners,

287 vs.

City of Vero Beach, a Municipal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

City of Mohall, North Dakota, et al., Petitioners,

vs.

First National Bank of Sleepy Eye, Minnesota, et al.

288

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Sylvan B. Heininger, Doing Business as Dr. S. B. Heininger, D. D. S. and Sylvan Dental Laboratory, Petitioners,

vs.

James A. Farley, Postmaster General of the United States.

289

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Rambusch Decorating Company, Petitioner,

vs.

The Brotherhood of Painters, Decorators and Paperhangers of America and Edward Ackerley.

290

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

I. Anson West, Trustee, et al.,
Petitioners,
291 vs.
City of El Paso.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

City of El Paso,
Petitioner,
292 vs.
I. Anson West, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Joseph Rakonick,
Petitioner,
293 vs.
Hamilton Brown Shoe Co., a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Allen R. Jamison,
Petitioner,
295 vs.
John Willoughby.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Woodmen of the World Life Insurance Society,
Petitioner,
299 vs.
Federal Communications Commission and W K Z O, Inc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

E. G. McKeever and A. E. Ralston, as Liquidators of Mexican Petroleum Corporation of Louisiana, Inc., et al.,
Petitioners,

304 vs.

Rufus W. Pontenot, United States Collector of Internal Revenue for the District of Louisiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Clara F. Reading,
Petitioner,

306 vs.

The Travelers Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lamborn & Company, Inc.,
Petitioner,

320 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Charles V. Bob, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

325

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Betsey Nudelman, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

328

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

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Milton Prebyl,

Petitioner,

429 O.T. 1938 vs.

Prudential Insurance Company of America.

ON CONSIDERATION of the motion to annul and vacate the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex Parte Albert Leighton,

Petitioner.

—, Original, O.T. 1938

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Ex parte Harmon Metz Waley,

Petitioner.

—, Original, O.T. 1938.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The Maytag Company,

Petitioner,

76 O.T. 1938 vs.

Hurley Machine Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The Maytag Company,

Petitioner,

77 O.T. 1938 vs.

Easy Washing Machine Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

General Electric Supply Corporation,

Petitioner,

661 O.T. 1938 vs.

The Maytag Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Bethlehem Steel Company,

Petitioner,

590 O.T. 1938 vs.

Zurich General Accident & Liability Insurance Co., Ltd.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

L. W. Baldwin, et al.,

Petitioners,

650 O.T. 1938 vs.

Scott County Milling Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The United States of America,

Appellant,

687 O.T. 1938 vs.

Neal Powers, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The United States of America,

Appellant,

771 O.T. 1938 vs.

Rock Royal Co-operative Inc., et al.;

Dairymen's League Co-operative Association, Inc.,

Appellant,

827 O.T. 1938 vs.

Rock Royal Co-operative, Inc., et al.; and

Metropolitan Co-operative Milk Producers Bargaining Agency, Inc.,

Appellant,

828 O.T. 1938 vs.

Rock Royal Co-operative, Inc., et al.

Petitions for rehearing having been filed in these cases on behalf of Jetter Dairy Company and Central New York Co-operative Association,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petitions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of these petitions.

George F. Seiberling, et al., Executors, etc.,

Petitioners,

834 O.T. 1938 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Lehigh Valley Trust Co., et al.,

Petitioners,

835 O.T. 1938 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Federal Reserve Bank of Philadelphia,

Petitioner,

842 O.T. 1938 vs.

Reba Cook Algar, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

William J. Graham, et al.,

Petitioners,

891 O.T. 1938 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Big Lake Oil Company,

Petitioner,

899 O.T. 1938 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

George C. Shepard,

Petitioner,

903 O.T. 1938 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

W. E. Rice, as Trustee, etc.,

Petitioner,

904 O.T. 1938 vs.

Smith Engineering Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

W. E. Rice, as Trustee, etc.,

Petitioner,

905 O.T. 1938 vs.

Smith Engineering Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The City of Los Angeles,

Petitioner,

915 O.T. 1938 vs.

Borax Consolidated, Limited, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Fred Kammerer,

Petitioner,

919 O.T. 1938 vs.

The State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Marshall County Bank, a Corporation, etc.,

Petitioner,

921 O.T. 1938 vs.

Mary K. Crowther.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

First National Bank of Chicago,
Administrator, etc.,

Petitioner,

929 O.T. 1938 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

City and County of Denver,

Appellant,

945 O.T. 1938 vs.

The People of the State of Colorado.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Trustees of Lumber Investment Association,

Petitioner,

960 O.T. 1938 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Louis Martini,

Petitioner,

962 O.T. 1938 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Burnette F. Stephenson,

Petitioner,

966 O.T. 1938 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

John Semar Farnsworth,

Petitioner,

974 O.T. 1938 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The Kansas Farmers' Union Royalty Company, et al.,

Appellants,

975 O.T. 1938 vs.

Samuel P. Hushaw.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

A. M. Hargis,

Petitioner,

980 O.T. 1938 vs.

King Swope, Judge of the Fayette Circuit Court, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

United States Trust Company of
New York, Executor, etc.,

Petitioner,

833 O.T. 1938 vs.

The United States.

ON CONSIDERATION of the motion to enlarge the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

United States Trust Company of
New York, Executor, etc.,

Petitioner,

833 O.T. 1938 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Benjamin D. Ritholz, et al.,

Petitioners,

986 O.T. 1938 vs.

American Optometric Association.

ON CONSIDERATION of the motion for stay of further proceedings in the District Court of the United States for the Northern District of Illinois,

IT IS ORDERED by this Court that the said motion be, and the same is hereby denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Benjamin D. Ritholz, et al.,

Petitioners,

986 O.T. 1938 vs.

American Optometric Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

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Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

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Commonwealth of Massachusetts,

Complainant,

—, Original vs.

State of Missouri, et al.

Argued on the motion for leave to file the bill of complaint and on the returns to the rule to show cause by Mr. Edward O. Proctor for the complainant; by Mr. Harry W. Kroeger for the defendants, St. Louis Union Trust Co., Trustee, et al., and by Mr. Edward H. Miller for the defendant, State of Missouri.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1 vs.

Wilshire Oil Company, Inc.

Argued by Mr. Arnold Raum for the petitioner and by Mr. Joseph D. Brady for the respondent.

F. H. E. Oil Company,

Petitioner,

26 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Harry C. Weeks for the petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 10, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Donald Paul Covert, Esquire, of Glendale, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair V. Johnson, It is ordered that Leonard A. Watson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Brumley, It is ordered that Harry L. Filer, Esquire, of Hamden, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Stanley, It is ordered that J. L. Emanuel, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reed T. Rollo, It is ordered that James Sermon Smith, Esquire, of Logan, State of

Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence O. McKay, It is ordered that

Raphael Dechter, Esquire, of Los Angeles, State of California; and

Joseph J. Rifkind, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Mattawa, It is ordered that Carl F. Zeidler, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic T. Lee, It is ordered that Joseph Robert Rosborough, Esquire, of Moline, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isadore Polier, It is ordered that

Jerome R. Hellerstein, Esquire, of New York, State of New York; and

Edmund B. Hennefeld, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mauro Baradi, It is ordered that Eduardo Quintero, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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F. H. E. Oil Company,

Petitioner,

26 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Harry C. Weeks for the Petitioner and concluded by Mr. Arnold Raum for the Respondent.

Evelyn Treinies,

Petitioner,

4 vs.

Sunshine Mining Company, Katherine Mason, et al.

Argued by Mr. Thomas D. Aitken for the Petitioner; by Mr. C. W. Halverson for Respondent, Sunshine Mining Company; and by Mr. Richard S. Munter for Respondents, Katherine Mason, et al.

Harry A. Woodring, Secretary of War, et al.,

Petitioners,

5 vs.

Justus B. Wardell, Receiver, etc.

Argument commenced by Mr. Assistant Attorney General Shea for the Petitioners and continued by Mr. Brice Clagett for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, OCTOBER 11, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clifton V. Edwards, It is ordered that Reverdy Johnson, 4th, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that Robert I. Morris, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Osmond K. Fraenkel, It is ordered that Sidney S. Grant, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Gaius G. Gannon, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that

Ralph R. Wien, Esquire, of Painesville, State of Ohio; and

Joseph A. O'Connell, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde M. Hadley, It is ordered that Earl A. Phillips, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Brumley, It is ordered that Willard P. Scott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Henry G. Bodkin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harry A. Woodring, Secretary of War, et al.,

Petitioners,

5 vs.

Justus B. Wardell, Receiver, etc.

Argument continued by Mr. Brice Clagett for the Respondent and concluded by Mr. George P. Barse for the Respondent.

Inland Waterways Corporation, et al.,

Petitioners,

6 vs.

Cary H. Hardee, Receiver, etc.

Argued by Mr. Assistant Attorney General Shea for the Petitioners, and by Mr. Swagar Sherley and Mr. George B. Springston for the Respondent.

Howard S. Palmer, James Lee Loomis,
and Henry B. Sawyer, Trustees, etc.,

Petitioners,

7 vs.

The Commonwealth of Massachusetts.

Argued by Mr. Edward R. Brumley for the Petitioners and by Mr. Edward O. Proctor for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, OCTOBER 12, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene Black, It is ordered that

Glenn R. Lewis, Esquire, of San Angelo, State of Texas; and

W. F. Moore, Esquire, of Paris, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Paul Ware, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Kelly, It is ordered that V. Betty Doheney, of Hynes, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Bernice E. Wesner, of Sugar Creek, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William Byram Holst, It is ordered that O. B. Eidson, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ziffrin, Incorporated,

Appellant,

8 vs.

James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

Motion to substitute party appellee submitted by Mr. Norton L. Goldsmith for the Appellant.

Ziffrin, Incorporated,

Appellant,

8 vs.

James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

ON CONSIDERATION of the joint motion and stipulation to substitute M. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, Member of Kentucky Tax Commission and Member of Kentucky State Alcoholic Beverage Control Board, as a party Appellee in place of James W. Martin, resigned;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

THURSDAY, OCTOBER 12, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene Black, It is ordered that

Glenn R. Lewis, Esquire, of San Angelo,
State of Texas; and

W. F. Moore, Esquire, of Paris,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Paul Ware, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Kelly, It is ordered that V. Betty Doheney, of Hynes, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Bernice E. Wesner, of Sugar Creek, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William Byram Holst, It is ordered that O. B. Eidson, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ziffrin, Incorporated,

Appellant,

8 vs.

James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

Motion to substitute party appellee submitted by Mr. Norton L. Goldsmith for the Appellant.

Ziffrin, Incorporated,

Appellant,

8 vs.

James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

ON CONSIDERATION of the joint motion and stipulation to substitute M. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, Member of Kentucky Tax Commission and Member of Kentucky State Alcoholic Beverage Control Board, as a party Appellee in place of James W. Martin, resigned;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Ziffrin, Incorporated,

Appellant,

8 vs.

H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

Argued by Mr. Norton L. Goldsmith for the Appellant and by Mr. H. Appleton Federa for the Appellees.

Standard Brands, Incorporated,

Petitioner,

9 vs.

National Yeast Corporation.

Argued by Mr. Leonard A. Watson for the Petitioner and by Mr. Stephen H. Philbin for the Respondent.

H. Luther Pittman, Clerk of the Superior Court of Baltimore City,

Petitioner,

10 vs.

Home Owners' Loan Corporation of Washington, D. C.

Argument commenced by Mr. H. Vernon Eney for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 13, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wilbur LaRoe, Jr., It is ordered that Lee J. Quasey, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that Charles Kassel, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Collins, It is ordered that Patrick Henry Winston, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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H. Luther Pittman, Clerk of the
Superior Court of Baltimore City,

Petitioner,

10 vs.

Home Owners' Loan Corporation of
Washington, D. C.

Argument continued by Mr. H. Vernon Eney for the Petitioner; by Mr. Solicitor General Jackson for the Respondent; and concluded by Mr. William C. Walsh for the Petitioner.

Clara Schneider,

Petitioner,

11 vs.

The State (Town of Irvington).

Argued by Mr. Joseph F. Rutherford for the Petitioner and by Mr. Robert I. Morris for the respondent.

Kim Young,

Appellant,

13 vs.

The People of the State of California.

Argued by Mr. Osmond K. Fraenkel for the Appellant and case submitted by Mr. Ray L. Chesebro, Mr. Frederick VonSchrader, Mr. Leon T. David and Mr. Bourke Jones for the Appellee.

Harold F. Snyder,

Petitioner,

18 vs.

City of Milwaukee.

Argued by Mr. A. W. Richter for the Petitioner and by Mr. Carl F. Zeidler for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, OCTOBER 16, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Samuel Hilton Levy, Esquire, of Newport, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Charles, It is ordered that Sydney R. Smitkin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald M. Gibbs, It is ordered that Robert E. Gibbs, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur C. Pickett, It is ordered that Carvel Mattsson, Esquire, of Richfield, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Gregory Bruce, It is ordered that Frank Lee Dils, Esquire, of Covington, State of

Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin Jones, It is ordered that Walter F. David, Esquire, of Borger, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that

Roy Massena, Esquire, of Chicago,
State of Illinois;

Isidore Fried, Esquire, of Chicago,
State of Illinois; and

Donald N. Schaffer, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde M. Hadley, It is ordered that Arthur E. Simon, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment of
Clyde H. Walker.

—

It appearing to the Court from the record in Ex Parte Clyde H. Walker, No. —, October Term, 1939, that Clyde H. Walker, of Champaign, Illinois, a member of the bar of this Court, has been convicted of a felony in the United States District Court for the Western District of Washington;

IT IS ORDERED that the said Clyde H. Walker be, and he hereby is, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said Clyde H. Walker to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

In the Matter of the Disbarment of

Anna L. Cooke.

—

It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Anna L. Cooke, of Washington, D. C., as a member of the bar of the said District Court and directing the clerk of that court to strike her name from the roll of attorneys admitted to practice before such court and prohibiting her henceforth from practicing law and holding herself out to be an attorney at law in the District of Columbia;

IT IS ORDERED that the said Anna L. Cooke, a member of the bar of this Court, be and she hereby is suspended from the practice of law in this Court, and that a rule issue returnable within forty (40) days requiring the said Anna L. Cooke to show cause why she should not be disbarred from the practice of law in this Court.

Per Mr. Chief Justice Hughes.

In the Matter of the Disbarment of

David B. Getz.

—

It having been reported to the Court that the Appellate Division of the Supreme Court of the State of New York, First Department, has entered an order disbarring David B. Getz, of New York City, a member of the bar of this Court, from practice as an attorney or counsellor at law in the State of New York;

IT IS ORDERED that the said David B. Getz be, and he hereby is, suspended from the practice of law in this Court, and that a rule issue returnable within forty (40) days requiring the said David B. Getz to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

Earl E. Bess,

Appellant,

— vs.

The State of West Virginia; and

Earl E. Bess,

Appellant,

— vs.

The State of West Virginia.

ON CONSIDERATION of the petitions for the allowance of appeals herein, referred by the Chief Justice to the Court,

IT IS ORDERED by this Court that the said petitions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of these petitions.

In the Matter of the Complaint of

Edmond C. Fletcher.

—

ON CONSIDERATION of the motion of Edmond C. Fletcher for leave to file complaint in the above entitled cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ex parte John Wilson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

State of Texas,

Complainant,

10, Original vs.

State of New Mexico, et al.

D E C R E E.

The Special Master having presented his final report stating that the cause has been settled, IT IS ORDERED, ADJUDGED and DECREED as follows:

1. The report of the Special Master is received, filed and confirmed.

2. The bill of complaint is dismissed.

3. The Special Master is directed to return to the proper parties the original copies of the record of the testimony and the exhibits introduced into evidence before him.

4. Costs, including the compensation and expenses of the Special Master, shall be paid one-half by the State of Texas and one-half by the State of New Mexico and the Middle Rio Grande Conservancy District, the State of Texas to be reimbursed by the State of New Mexico and the Middle Rio Grande Conservancy District to the extent of one-half of all sums heretofore disbursed by it on account of expenses of the Special Master.

Per Mr. Chief Justice Hughes.

State of Texas,

Complainant,

10, Original vs.

State of New Mexico, et al.

O R D E R.

ON CONSIDERATION of the statement of the Special Master,

IT IS ORDERED that Charles Warren, Esquire, be awarded the sum of $12,500 as compensation for his services as Special Master in this cause, and that his disbursements, totalling $893.35, be allowed;

IT IS FURTHER ORDERED that all costs in this case, including the compensation and expenses of the Special Master, be paid one-half by the State of Texas and one-half by the State of New Mexico and the Middle Rio Grande Conservancy District, the State of Texas to be reimbursed by the State of New Mexico and the Middle Rio Grande Conservancy District to the extent of one-half of all sums heretofore disbursed by it on account of expenses of the Special Master.

Per Mr. Chief Justice Hughes.

Lonnie Avery,

Petitioner,

124 vs.

The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Lonnie Avery,

Petitioner,

124 vs.

The State of Alabama.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Gaylie R. Cleveland,

Petitioner,

226 vs.

J. W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Gaylie R. Cleveland,

Petitioner,

226 vs.

J. W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Honor D. Wilson,

Petitioner,

374 vs.

Louisville Joint Stock Land Bank of Louisville, Kentucky, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Honor D. Wilson,

Petitioner,

374 vs.

Louisville Joint Stock Land Bank of Louisville, Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America, et al.,

Appellants,

343 vs.

Frank O. Lowden, et al., as Trustees, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

The United States of America, et al.,

Appellants,

343 vs.

Frank O. Lowden, et al., as Trustees, etc.

ON CONSIDERATION of the motion to advance this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the case is advanced and assigned for argument on Monday, November 6, next.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

The United States of America,

Appellant,

397 vs.

The Borden Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

The United States of America,

Appellant,

397 vs.

The Borden Company, et al.

ON CONSIDERATION of the motion to advance this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the case is advanced and assigned for argument on Monday, November 13, next.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

The United States of America,

Petitioner,

346 vs.

Socony-Vacuum Oil Company, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Socony-Vacuum Oil Company, Inc., et al.,

Petitioners,

347 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be

treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Frank R. McNinch, Norman S. Case, T. A. M. Craven, et al., Petitioners,

316 vs.

Paul R. Heitmeyer.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is assigned for argument immediately following No. 265.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Henry Russell, Lawrence Miller, Charles Steers and John P. Wing, Co-partners, etc., Petitioners,

329 vs.

James S. Todd, Joseph R. Work and Willard C. Weiss, Co-partners, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question of the application of the New York statute of limitations.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, etc.,

Petitioner,

342 vs.

Consolidated Edison Company of New York, Inc., et al.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, Congress of Industrial Organizations,

Petitioner,

Order allowing certiorari.

342 vs.

Consolidated Edison Company of New York, Inc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Weber,

Petitioner,

157 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Douglas took no part in the consideration and decision of this application.

The Virginian Railway Company, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

266

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Federal Export Corporation, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

268

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Howard S. Palmer, et al., as Trustees of the Property of Old Colony Railroad Company,
Petitioners,

302 vs.

Howard S. Palmer, et al., as Trustees of the Property of New York, New Haven and Hartford Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Howard S. Palmer, et al., as the Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,
Petitioners,

321 vs.

Howard S. Palmer, et al., as the Trustees of the Property of Old Colony Railroad Company, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Union Dredging Company (a corporation), Former Owner of the Dredger "Carson", etc.,
Petitioner,

308 vs.

Hazel Brashear, as Administratrix of the Estate of Earl Brashear, Deceased, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

State Automobile Mutual Insurance Company of Columbus, Ohio,

Petitioner,

315 vs.

Mabel A. York and C. V. York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Central Railroad Company of New Jersey,

Petitioner,

319 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William J. Mitchell and John Martin Doyle, Surviving Trustees Under the Will of James Cleary, Deceased, et al.,

Petitioners,

323 vs.

William N. Ottinger, Receiver of the Southwestern National Bank of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Univis Corporation and United Kingdom Optical Company, Ltd.,

Petitioners,

326 vs.

Paul Rips and Rips Optical Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Univis Corporation and United Kingdom Optical Company, Ltd.,

Petitioners,

327 vs.

Charlotte M. Grimshaw.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

American National Insurance Company, (a Corporation),

Petitioner,

330 vs.

Yee Lim Shee, Tong Yee and James M. Hanley, as Executor of the Last Will and Testament of Yee Sheong, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

New York Life Insurance Company, a Corporation,

Petitioner,

331 vs.

Jack Ostroff, Formerly Known as Jacob Ostrofsky and Freda Ostroff, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Samuel L. Waterman, Also Known as S. L. Waterman, Also Known as Louis S. Waterman,
Petitioner,

332 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Gus Taylor,
Petitioner,

333 vs.

Doane Merrill, as Trustee in Bankruptcy of Gus Taylor's Inc., Wearing Apparel, a Corporation, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Lee Stark,
Petitioner,

334 vs.

Howe Sound Company, Inc. and Compania Industrial El Potosi, S. A.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Corporation of America,
Petitioner,
337 vs.
Barbara Campbell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Thomas M. Schumacher and Sidney M. Ehrman, Trustees of the Western Pacific Railroad Company,
Petitioners,
338 vs.
Raymond King.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

R. M. Doty, Secretary of Banking of the Commonwealth of Pennsylvania, Receiver of the McKean County Trust Company, etc.,
Petitioner,

339 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

M. M. Martin, Trustee of the Estate of Saverio Ariani, Bankrupt,
Petitioner,

344 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

M. M. Martin, Trustee of the Estate of Saverio Ariani, Bankrupt,
Petitioner,

345 vs.

The Equitable Life Assurance Society of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Luke Hannon, Petitioner,
348 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Joseph Hannon, Petitioner,
349 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Thomas Hannon,
Petitioner,
350 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jake Rosenberg,
Petitioner,
351 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Fred Stone,
Petitioner,
352 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Farmers' Loan and Trust Company,
as Trustee, etc., et al.,

Petitioners,

614 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.; and

The Farmers' Loan and Trust Company,
as Trustee, etc., et al.,

Petitioners,

615 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.

A petition for rehearing having been filed in these cases,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

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Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

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The Court will take a recess from Monday, October 23, until Monday, November 6, next.

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State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

Report of the Special Master presented.

Mabel L. Traglio and
Paul Traglio,

Petitioners,

407 vs.

Evelyn R. Harris.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that counsel for the Petitioners have filed a motion to dismiss the petition for writ of certiorari in this cause;

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

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Elmira Nichols and Pauline Thompson,

Appellants,

29 vs.

Commonwealth of Massachusetts.

Argument commenced by Mr. Sidney S. Grant for the Appellants; continued by Mr. Edward O. Proctor for the Appellee; and concluded by Mr. Osmond K. Fraenkel for the Appellants.

The Board of County Commissioner
of the County of Jackson, etc.,

Petitioner,

14 vs.

The United States of America.

Argued by Mr. O. B. Eidson for the Petitioner and by Mr. Raymond T. Nagle for the Respondent.

L. Boteler, Trustee of the estate of Richmaid Creameries, Inc., Debtor,

Petitioner,

15 vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.; and

L. Boteler, Trustee of Richmaid Creameries, Inc., Debtor,

Petitioner,

16 vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.

Argued by Mr. Raphael Dechter for the Petitioner and by Mr. H. H. Linney for the Respondents.

Ford Motor Company,

Petitioner,

17 vs.

Tom L. Beauchamp, Secretary of the State of Texas, et al.

Argument commenced by Mr. Gaius C. Gannon for the Petitioner.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas Ellsworth Martin, It is ordered that Audley W. Johnson, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Amory Maddox, It is ordered that Wm. M. P. Smith, Esquire, of Edwardsville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that John C. Macfarland, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that J. Clifford Argue, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Carmody, It is ordered that Robert S. Gordon, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that John L. Bland, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Clarke, It is ordered that James C. Hollingsworth, Esquire, of Ventura, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. English, Jr., It is ordered that Edmund M. Brady, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ford Motor Company,

Petitioner,

17 vs.

Tom L. Beauchamp, Secretary of the State of Texas, et al.

Argument continued by Mr. Gaius G. Gannon for the Petitioner; by Mr. Glenn R. Lewis for the Respondent; and concluded by Mr. Gaius G. Gannon for the Petitioner.

Oklahoma Packing Company, et al.,

Petitioners,

19 vs.

Oklahoma Gas and Electric Company, et al.

Argued by Mr. Paul Ware for the Petitioners and by Mr. I. J. Underwood and Mr. Streeter B. Flynn for the Respondents.

Nairbo Company, The A. P. Smith Manufacturing Company, et al.,

Petitioners,

38 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Argument commenced by Mr. Robert P. Weil for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, OCTOBER 18, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Frank S. Roderick, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David W. Robinson, Jr., It is ordered that J. Frost Walker, Jr., Esquire, of Union, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Montgomery B. Angell, It is ordered that

Marvin Lyons, Esquire, of New York,
State of New York; and

Otis T. Bradley, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Barnes, It is ordered that

Ernest Palmer, Esquire, of Springfield,
State of Illinois; and

Frank W. Young, Esquire, of Springfield,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Orville A. Tedrick, Esquire, of Poplar Bluff, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that Rufus Bell Burrus, Esquire, of Independence, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore B. Benson, It is ordered that

Paul G. Muth, Esquire, of Dayton,
State of Ohio; and

Philip F. Blum, Esquire, of Dayton,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Neirbo Company, The A. P. Smith Manufacturing Company, et al.,

Petitioners,

38 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Argument continued by Mr. William D. Whitney for the Respondent and concluded by Mr. Laurence Arnold Tanzer for the Petitioners.

Thomas K. Case and Adele B. Cowan, et al.,

Petitioners,

23 vs.

Los Angeles Lumber Products Company, Ltd.; and

Thomas K. Case and Adele B. Cowan, et al.,

Petitioners,

24 vs.

Los Angeles Lumber Products Company, Ltd.

Argument commenced by Mr. Robert M. Clarke for the Petitioners; continued by Mr. Solicitor General Jackson for the United States as amicus curiae, by special leave of Court; by Mr. J. Clifford Argue and Mr. John C. Macfarland for the Respondent; and concluded by Mr. Solicitor General Jackson for the United States as amicus curiae, by special leave of Court.

Estate of Charles Henry Sanford, Deceased, etc.,

Petitioner,

34 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Montgomery B. Angell for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, OCTOBER 19, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wm. S. Hammers, It is ordered that James Rufus Keeling, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul P. Hannah, It is ordered that Harold H. Bredell, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert G. Rutherford, It is ordered that

Walter P. Reilly, Esquire, of Newark, State of New Jersey; and

James L. Handford, Esquire, of Newark, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred C. Gilchrist, It is ordered that Fred D. Everett, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Fisher, It is ordered that Matthew S. Gibson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Price, It is ordered that

M. M. Heuser, Esquire, of Bristol, State of Virginia; and

Geo. M. Warren, Esquire, of Bristol, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that L. E. Dubon, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Estate of Charles Henry Sanford, Deceased, etc.,

Petitioner,

34 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Montgomery B. Angell for the Petitioner and concluded by Miss Helen R. Carloss for the Respondent.

Almon G. Rasquin, Collector of Internal Revenue, etc.,

Petitioner,

37 vs.

George Arents Humphreys.

Argued by Miss Helen R. Carloss for the Petitioner and by Mr. Sidney W. Davidson for the Respondent.

Valvoline Oil Company,

Appellant,

vs.

The United States of America, et al.

Argued by Mr. J. Campbell Brandon for the Appellant and by Mr. Hugh B. Cox for the Appellees.

The United States of America,

Petitioner,

vs.

The Glenn L. Martin Company.

Argument commenced by Mr. Assistant Attorney General Clark for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 20, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Eleanor March Moody, of Boston,
State of Massachusetts; and

Glenwood C. Fuller, Esquire, of Grand Rapids,
State of Michigan;

were admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Matthew Mansfield Neely, It is ordered that W. A. Thornhill, Jr., Esquire, of Beckley, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Church, It is ordered that Harry H. Porter, Esquire, of Evanston, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Markell, Jr., It is ordered that S. Ralph Warnken, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

30 vs.

The Glenn L. Martin Company.

Argument continued by Mr. Assistant Attorney General Clark for the Petitioner and concluded by Mr. John T. Koehler for the Respondent.

Texas Electric Railway Company,

Appellant,

31 vs.

Clyde O. Eastus, United States Attorney for the Northern District of Texas, et al.

Argument commenced by Mr. J. M. Burford for the Appellant; continued by Mr. Robert L. Stern for the Appellees; and concluded by Mr. Robert E. Quirk for the Appellant.

The United States,

Petitioner,

43 vs.

John McShain, Inc.

Argued by Mr. Richard H. Demuth for the Petitioner and by Mr. Prentice E. Edrington for the Respondent.

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Proclamation being made the Court is adjourned until Monday, October 23, at 12 o'clock.

MONDAY, OCTOBER 23, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

J. W. Harrell, Esquire, of Jacksonville, State of Florida; and

Gene DeMambro, Esquire, of Lincoln Park, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Mary Smith, of Rexburg, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Philip R. Overton, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer R. Irion, It is ordered that Frank Cain, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman

Minton, It is ordered that Martell F. Denmure, Esquire, of Aurora, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Fred H. Schauer, Esquire, of Santa Barbara, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lyle F. O'Rourke, It is ordered that Francis V. Robinson, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. August H. Andresen, It is ordered that Harold S. Nelson, Esquire, of Owatonna, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Wolcott, It is ordered that Wendell W. Schooling, Esquire, of Huntington Park, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Warren Madden, It is ordered that

Samuel G. Wagner, Esquire, of Pittsburgh,
State of Pennsylvania; and

Dorothea M. Wagner, of Pittsburgh, (Mrs.)
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilber Stammler, It is ordered that John S. Henry, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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James F. Hoey, Doing Business as Midland Service Company,

Appellant,

431 vs.

The United States of America and Interstate Commerce Commission.

ON CONSIDERATION of the motion for a stay of the order of the Interstate Commerce Commission in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

James F. Hoey, Doing Business as Midland Service Company,

Appellant,

431 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

John C. Allen, Appellant, vs. The People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois.

406

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

John C. Allen, Appellant, vs. The People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois.

406

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

John C. Allen, Appellant, vs. The People of the State of Illinois.

406

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the

same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Peter Gendusa, Appellant, vs. State of Louisiana. — Appeal from the Supreme Court of the State of Louisiana.

448

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Peter Gendusa, Appellant, vs. State of Louisiana. — Appeal from the Supreme Court of the State of Louisiana.

448

TREATING the appeal papers herein from the Supreme Court of the State of Louisiana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Peter Gendusa, Appellant, vs. State of Louisiana.

448

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

In the Matter of the Disbarment of

Walter C. Balderston.

—

ON CONSIDERATION of the motion for a further extension of time within which to file a return to the rule to show cause herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of the Disbarment of

Walter C. Balderston.

—

It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Walter C. Balderston, of Washington, D. C., as a member of the bar of that court, directing that his name be stricken from its roll of attorneys, and prohibiting him from practicing law and holding himself out to be an attorney at law in the District of Columbia;

And it appearing that by order of February 27, 1939, this Court suspended the said Walter C. Balderston from the practice of law in this Court and directed that a rule issue requiring him to show cause, under Rule 2, why he should not be disbarred from the practice of law in this Court;

And it further appearing that the said rule duly issued and was served upon the said Walter C. Balderston; and no return or answer to said rule having been filed by or on behalf of the said Walter C. Balderston,

although the return day thereof, as extended, has passed;

IT IS NOW ORDERED that the said Walter C. Balderston be, and he hereby is, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

Ex parte Louis Martini,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

The report of the Special Master herein is received and ordered to be filed.

It is ordered that exceptions to the said report, if any, be filed on or before November 20, next; that briefs upon such exceptions be filed on or before December 18; and that reply briefs, if any, be filed on or before January 2.

The cause is assigned for hearing on Monday, January 8, next, at the head of the call for that day.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

John Wojcichowski Burak,

Petitioner,

94 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

John Wojcichoski Burak,

Petitioner,

94 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Martin J. Bernards and Lena Bernards,

Petitioners,

189 vs.

M. R. Johnston, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the

same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Martin J. Bernards and Lena Bernards,

Petitioners,

189 vs.

M. R. Johnston, Catherine Collins, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Herbert Large,

Petitioner,

233 vs.

Metropolitan Life Insurance Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Herbert Large,

Petitioner,

233 vs.

Metropolitan Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Annie R. Wharton and M. Elston Wharton,

Petitioners,

234 vs.

Shenandoah Publishing House, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Annie R. Wharton and M. Elston Wharton,

Petitioners,

234 vs.

Shenandoah Publishing House, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Robt. L. Hill,

Petitioner,

284 vs.

The Topeka Morris Plan.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Robt. L. Hill,

Petitioner,

284 vs.

The Topeka Morris Plan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Eleanor Lewis-Kures, et al.,

Petitioners,

404 vs.

Edward R. Walsh & Company, Inc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Eleanor Lewis-Kures and James Lewis-Kures, Her Husband,

Petitioners,

404 vs.

Edward R. Walsh & Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Thomas Lewis,

Petitioner,

439 vs.

S. P. Ashe, Warden, Western State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Thomas Lewis,

Petitioner,

439 vs.

S. P. Ashe, Warden, Western State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Isiah (Izell) Chambers, Jack Williamson, et al.,

Petitioners,

195 vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Isiah (Izell) Chambers, Jack Williamson, Charles Davis and Walter Woodward(Woodard),

Petitioners,

Order allowing certiorari.

195 vs.

The State of Florida.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Federal Housing Administration, Region No. 4, State Director, Raymond Foley,

Petitioner,

Order allowing certiorari.

354 vs.

Ruth Burr, Doing Business as Secretarial Service Bureau.

The petition herein for a writ of certiorari to the Supreme Court of the State of Michigan is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Montrose Cemetery Company,

Petitioner,

370 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration and decision of this application.

United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, et al.

The petitioner having applied for a stay pending the final disposition of the cause in this Court,

IT IS HEREBY ORDERED that the application for a stay be granted and that the Bank of New York and Trust Company (Bank of New York) be, and it hereby is, stayed from making any payment whatsoever pursuant to the judgment of the Supreme Court of the State of New York dated August 22, 1934 until further order of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Milk Wagon Drivers Union of Chicago, Local 753, etc., et al.,

Petitioners,

353 vs.

Meadowmoor Dairies, Inc.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Milk Wagon Drivers Union of Chicago, Local 753, a Voluntary Unincorporated Association, et al.,

Petitioners,

353 vs.

Meadowmoor Dairies, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lucile Harvey, a Widow,
Petitioner,
372 vs.
City of St. Petersburg, a Municipal Corporation, for the Use of Glenn V. Leland, as Receiver, etc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Stackpole Sons, Inc. and the Telegraph Press,
Petitioners,
375 vs.
Houghton Mifflin Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Frankfurter took no part in the consideration and decision of this application.

Corinne Griffith Marshall,
Petitioner,
307 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Western Union Telegraph Company, Curtin-Howe Corporation and Bernard L. Kline,
Petitioners,
335 vs.
Parker Rust-Proof Company and Robert R. Tanner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Parker Rust-Proof Company and Robert R. Tanner,
Petitioners,
414 vs.
The Western Union Telegraph Company, Curtin-Howe Corporation and Bernard L. Kline.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

In the Matter of Dan W. Tracy, Petitioner.

356

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Standard Surety & Casualty Company of New York, Petitioner,

358 vs.

Standard Accident Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Bertram Wm. Coltman, Petitioner,

360 vs.

Colgate-Palmolive-Peet Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James Talcott, Inc., Petitioner, vs. Joseph Glavin, Trustee in Bankruptcy of Neo-Ped, Inc.

361

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James Talcott, Inc., Petitioner, vs. Joseph Glavin, Trustee in Bankruptcy of Neo-Ped, Inc.

362

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Faye Glenn, C. P. Dillard, Trustee, C. D. Williams, et al.,
Petitioners,
363 vs.
Bessie Lewis and the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Horatio Wales,
Petitioner,
364 vs.
John Jacobs.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Samuel A. Neidich,
Petitioner,
368 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this

Sig Ellingson and Company,
Petitioner,
369 vs.
Mason City Production Credit Association.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Acme Tank Cleaning Process Corporation,
Petitioner,
373 vs.
Salvage Process Corporation and Sludge Pumping, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America,
Petitioner,
377 vs.
American Medical Association, a Corporation, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the District of Columbia,

and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

British-American Tobacco Company, Ltd., Petitioner,

378 vs.

Federal Reserve Bank of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William Roy Miller, Petitioner,

141 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Flora B. Dodd, Petitioner,

144 vs.

Aetna Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Radium Dial Company,

Appellant,

212 vs.

Edward T. Ryan, Clerk, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

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Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

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State of Missouri,

Complainant,

12, Original vs.

State of Iowa.

Stipulation to dismiss bill of complaint and as to costs submitted.

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Proclamation being made the Court is adjourned until Monday, November 6, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,

James C. McReynolds,

Harlan F. Stone,

Owen J. Roberts,

Hugo L. Black, Associate Justices.

Stanley Reed,

Felix Frankfurter,

William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

M. L. Cook, Esquire, of Galveston,
State of Texas;

Luther M. Bickett, Esquire, of San Antonio,
State of Texas;

John B. McCraw, Esquire, of Dallas,
State of Texas; and

Marie McCraw Robinson, of Dallas, (Mrs.)
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that

Craig Van Meter, Esquire, of Mattoon,
State of Illinois;

E. Stanley Brin, Esquire, of Chicago,
State of Illinois;

Fred H. Kelly, Esquire, of Mattoon,
State of Illinois;

Samuel Korman Charness, Esquire, of Chicago,
State of Illinois; and

M. Sherwood Slate, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Hugh C. Simpson, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that John Thaddeus Baker, Esquire, of Muskogee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that

John J. Woolley, Esquire, of Athens, State of Ohio; and

Lawrence Grosvenor Worstell, Jr., Esquire, of Athens, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry N. Routzohn, It is ordered that Mary Kathryn Kernan, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Robert K. McConnaughey, It is ordered that Lorine Miller, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Homer Kripke, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Granville S. Borden, It is ordered that Scott Clawson Lambert, Esquire, of San Francisco,

State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred H. Skinner, It is ordered that Frank A. Kearney, Esquire, of Phoebus, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Kline, Jr., It is ordered that H. Maurice Fridlund, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Travis, It is ordered that Frank V. Lipari, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. MONDAY, APRIL 3, 1950 — In re Francis X. Lipare. The motion to amend the attorney roll to show the change of name of Frank V. Lipari to Francis X. Lipare is granted.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Samuel B. Wasserman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

Wilshire Oil Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

2 vs.

Bandini Petroleum Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation in the above entitled cause providing that the decision in this case shall abide the decision of this Court in the case of Guy T. Helvering, Commissioner of Internal Revenue, vs. Wilshire Oil Company, Inc., No. 1, October Term, 1939; and this Court having reversed the judgment of the United States Circuit Court of Appeals for the Ninth Circuit in case No. 1 on November 6, 1939;

It is, pursuant to said stipulation, ORDERED and ADJUDGED by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court rendered in Case No. 1, Helvering, Commissioner, etc., vs. Wilshire Oil Company, Inc.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

3 vs.

Wilshire Annex Oil Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation in the above entitled cause providing that the decision in this case shall abide the decision of this Court in the case of Guy T. Helvering, Commissioner of Internal Revenue, vs. Wilshire Oil Company, Inc., No. 1, October Term, 1939, and this Court having reversed the judgment of the United States Circuit Court of Appeals for the Ninth Circuit in case No. 1 on November 6, 1939;

It is, pursuant to said stipulation, ORDERED and ADJUDGED by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court rendered in case No. 1, Helvering, Commissioner, etc., vs. Wilshire Oil Company, Inc.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration or decision of this case.

F. H. E. Oil Company,
Petitioner,
26 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Butler and Mr. Justice Reed took no part in the consideration or disposition of this case.

Thomas K. Case and Adele B. Cowan, and Estate of Adele B. Cowan, Deceased,
Petitioners,
23 vs.
Los Angeles Lumber Products Company, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court

of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Butler took no part in the consideration or disposition of this case.

Thomas K. Case and Adele B. Cowan, and Estate of Adele B. Cowan, Deceased,

Petitioners,

vs.

Los Angeles Lumber Products Company, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

24

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Butler took no part in the consideration or disposition of this case.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees, etc.,

Petitioners,

vs.

The Commonwealth of Massachusetts.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

7

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court

of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut.

Per Mr. Justice Frankfurter.

Mr. Justice Butler took no part in the consideration and decision of this cause.

Evelyn Treinies,

Petitioner,

4 vs.

Sunshine Mining Company, Katherine Mason, T. R. Mason, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Idaho.

Per Mr. Justice Reed.

Mr. Justice Butler took no part in the consideration or decision of this case.

L. Boteler, Trustee of the Estate of Richmaid Creameries, Inc., Debtor,

Petitioner,

15 vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs;

and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Black.

Mr. Justice Butler took no part in the consideration or decision of this case.

L. Boteler, Trustee of Richmaid Creameries, Inc., Debtor,

Petitioner,

vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

16

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Black.

Mr. Justice Butler took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

vs.

The Glenn L. Martin Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

30

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and that the judgment of the District Court of the United States for the District of Maryland be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Black.

Mr. Justice Butler took no part in the consideration or decision of this case.

Estate of Charles Henry Sanford, Deceased, Jennie R. Baird, Substitutionary Administratrix, C. T. A., Petitioner, vs. Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

34

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Mr. Justice Butler took no part in the consideration and decision of this case.

Almon G. Rasquin, Collector of Internal Revenue of the United States for the First District of New York, Petitioner, vs. George Arents Humphreys.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

37

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and

that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Stone.

Mr. Justice Butler took no part in the consideration or decision of this case.

Standard Brands, Inc., Petitioner, vs. National Grain Yeast Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

9

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decrees of the said United States Circuit Court of Appeals, in this cause, be, and the same are hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice McReynolds.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration and decision of this cause.

Commonwealth of Massachusetts, Complainant, vs. State of Missouri, et al. — On motion for leave to file Bill of Complaint.

—, Original

THIS CAUSE came on to be heard on the motion for leave to file the Bill of Complaint and on the returns to the rule to show cause, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file the bill of complaint herein be, and the same is hereby, denied.

AND IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

M. Luther Pittman, Clerk of the Superior Court of Baltimore City,

Petitioner,

vs.

Home Owners' Loan Corporation of Washington, D. C.

On writ of certiorari to the Court of Appeals of the State of Maryland.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

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The Chief Justice announced the following orders of the Court:

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Texas Electric Railway Company,

Appellant,

vs.

Clyde O. Eastus, United States Attorney for the Northern District of Texas and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

The United States,

Petitioner,

vs.

43

John McShain, Inc.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims with instructions to enter judgment in favor of the United States.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Graybar Electric Company, Inc., and United States Guaranty Company,

Appellants,

vs.

388

John C. Curry, as Commissioner of Revenue of the State of Alabama, et al.

Appeal from the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

* Mandate issued Dec. 4, 1939 - see p. 317

W. T. Carter & Bro., et al., Appellants, vs. Earle H. Short, E. B. Sullivan and Charles B. Gholson, et al. — Appeal from the Supreme Court of the State of Texas.

396

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Texas, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

M. Merlyn Christie, Clayton N. Smith, F. L. Luckel, et al., Appellants, vs. J. E. Broussard, Individually, et al. — Appeal from the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District.

458

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Roedenbeck Farms, Inc., W. L. Kemper, P. Warren Hicks, et al.,

Appellants,

468 vs.

J. E. Broussard, Individually, et al.

Appeal from the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED that the members of the Advisory Committee appointed by Orders of June 3, 1935, and February 17, 1936, to assist the Court in the preparation of a unified system of general rules for cases in equity and actions at law in the District Court of the United States and in the Supreme Court of the District of Columbia, or so many of such members as are willing to serve, be requested to prepare and submit to the Court such amendments as they may deem advisable to the Rules of Civil Procedure adopted by the Court and reported to Congress by the Attorney General on January 3, 1938.

For Mr. Chief Justice Hughes.

O R D E R .

The Court appoints Mr. Elmore Whitehurst, of Texas, to be Assistant Director of the Administrative Office of the United States Courts, pursuant to the Act to provide for the administration of the United States Courts, and for other purposes, approved August 7, 1939.

Per Mr. Chief Justice Hughes.

O R D E R .

IT IS ORDERED that, pursuant to the provisions of Public Resolution No. 50, 76th Congress, approved August 10, 1939, there be transferred $25,000 from the appropriation "Miscellaneous Salaries, United States Courts, 1940", to an appropriation to be designated "Salaries, Administrative Office, United States Courts, 1940", and that $25,000 be transferred from the appropriation "Miscellaneous Expenses, United States Courts, 1940", to an appropriation to be designated "Contingent Expenses, Administrative Office, United States Courts, 1940".

Per Mr. Chief Justice Hughes.

Harry Dean,

Petitioner,

408 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Harry Dean,

Petitioner,

408 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Alfred K. Queen,

Petitioner,

434 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Alfred K. Queen,

Petitioner,

434 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Alfred A. Maurer and Marcus W. Myers,
Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary of
Revenue, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

State of Minnesota ex rel. Charles
Edwin Pearson,

Appellant,

394 vs.

Probate Court of Ramsey County,
Minnesota, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

State of Minnesota ex rel. Charles
Edwin Pearson,

Appellant,

394 vs.

Probate Court of Ramsey County, Minnesota, and Hon. Albin S. Pearson,
Judge of Said Probate Court of Ramsey County.

It appearing to the Court that counsel for the respective parties have filed a stipulation to substitute Michael F. Kinkead, present probate judge of Ramsey County, as a party appellee in place of Albin S. Pearson,

It is, pursuant to said stipulation, ordered by this Court that Michael F. Kinkead, present probate judge of Ramsey County, be substituted as a party appellee in place of Albin S. Pearson, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

383 vs.

George B. Clifford, Jr.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

384 vs.

Meredith Wood.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Dickinson Industrial Site, Inc., a Corporation, Formerly the Albert Dickinson Company,
Petitioner,

386 vs.

Percy Cowan, Edgar N. Greenbaum, Walter A. Wade, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,

419 vs.

John Kehoe.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Waldo G. Bryant and Ida Bryant, Executors of the Estate of Waldo C. Bryant, Deceased,
Petitioners,

399 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the

case is set for argument immediately following No. 183.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William R. Parmele,

Petitioner,

286 vs.

State of Ohio.

ON CONSIDERATION of the motion for leave to proceed on a type-written record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

William R. Parmele,

Petitioner,

286 vs.

State of Ohio.

ON CONSIDERATION of the motion of John Rossel to be made a party petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied because filed too late.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

William R. Parmele,
Petitioner,
286 vs.
State of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Leslie G. McKenney,
Petitioner,
382 vs.
Swayne & Hoyt, Ltd., et al.

ON CONSIDERATION of the motion for leave to proceed on a typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Leslie G. McKenney,
Petitioner,
382 vs.
Swayne & Hoyt, Ltd., and
S. S. Point Reyes.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

J. Dudley Clark,

Petitioner,

428 vs.

Frederick S. Deitrick, Receiver, etc., et al.

ON CONSIDERATION of the motion for leave to file typewritten documents as part of the record in this case in lieu of printing,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

J. Dudley Clark,

Petitioner,

428 vs.

Frederick S. Deitrick, Receiver of the Boston Continental National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Standard Oil Company of New Jersey,
Petitioner,
441 vs.
A/B Svenska Amerika Linien, as Owner of the Motor Vessel Kungsholm, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Roberts took no part in the consideration and decision of this application.

The Texas Company, Delaware-Louisiana Fur Trapping Company, Inc., et al.,
Petitioners,
318 vs.
Parish of Jefferson.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Hammond Clock Company,
Petitioner,
357 vs.
The Electric Auto-Lite Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Stelly Frazie,
Petitioner,
379 vs.
Orleans Dredging Company.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Edward E. Rieck,
Petitioner,
381 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

City of Long Beach, Glen L. Clark, Paul C. Hofmann, et al.,

Petitioners,

385 vs.

M. P. Metcalf, as Trustee in Bankruptcy F. P. Newport Corporation, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Felipe F. Vidal, Receiver,

Petitioner,

387 vs.

Benigno Fernandez Garcia, Attorney General of Puerto Rico, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Luckenbach Steamship Company, Inc., Owner of the S/S "Katrina Luckenbach",

Petitioner,

389 vs.

S/S "Sylvan Arrow", and Standard Vacuum Transportation Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Carnegie-Illinois Steel Corporation, Successor by Merger to American Sheet & Tin Plate Company,
Petitioner,

395 vs.

Andrew B. Berger, Receiver of the First National Bank and Trust Company of Monessen, Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Louisville & Nashville Railroad Company,
Petitioner,

398 vs.

Philip S. Grizzard, Jr., as Administrator of the Estate of Philip S. Grizzard, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Dean Alvord, T. R. Palmer, Garrett Hobart, et al.,

Petitioners,

401 vs.

Town of Bellenir, J. C. Smith as Tax Collector of Said Town, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

J. G. Haverstick,

Petitioner,

402 vs.

Drainage District No. 7 of Poinsett County, Arkansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Richard Barry,

Petitioner,

403 vs.

Howard Hughes, Caddo Company, Inc., United Artists Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Sunshine Anthracite Coal Company,
Petitioner,
410 vs.
Harold L. Ickes, as Secretary of the Interior, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William T. Wright, Individually and as Mayor of the City of Rensselaer,
Petitioner,
311 vs.
Albany Port District Commission and Dwight B. Ladu, as Chairman, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Lykes Brothers Ripley Steamship Co., Inc.,
Petitioner,
405 vs.
Mannie Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Crosley Corporation,
Petitioner,
415 vs.
Federal Communications Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Village of Downers Grove,
Petitioner,
416 vs.
Harry Joseph, as Receiver of the First National Bank of Downers Grove.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Stackpole Carbon Company,
Petitioner,
418 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

General American Life Insurance Company,
Petitioner,
420 vs.
Central National Bank of Cleveland, Trustee U/A Edwin G. Thompson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William McKay,
Petitioner,
421 vs.
Fort Shelby Hotel Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Royal Indemnity Company,
Petitioner,
422 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Frank Bornn, Doing Business as Bornn Distilling Company,
Petitioner,
423 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William J. Dennis, The American Cube Syndicate, et al., etc.,

Petitioners,

424 vs.

L. E. Pitner, Lawrence W. Scudder and Arthur J. Olsen, Co-partners, Doing Business as Agicide Laboratories.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

432 vs.

Ana Rosario, Beneficiary of John J. Robles.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

McAllister Towing & Transportation Company, Inc.,

Petitioner,

435 vs.

American Diamond Lines, Inc., and Seas Shipping Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

A. Danciger, Jack Danciger, Dan Danciger and Joe Danciger, Co-partners, Doing Business as Danciger Brothers,

Petitioners,

436 vs.

Floyd E. Jacobs, Administrator of the Estate of A. Mattrem, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

F. H. Gouax, Lt. Col. F. D. La. N. G., U. S. P. & D. O. La., et al.,

Petitioners,

440 vs.

Harry E. Bovay and Kenyon D. Wells, Trustees in Bankruptcy of Vicksburg Bridge and Terminal Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

City of Reading,

Petitioner,

451 vs.

Walter S. Rae.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Albert J. Peterson, Lewis W. Riddle, W. G. Sturm and E. A. Kilmer, as the Bondholders' Committee, etc.,

Petitioners,

469 vs.

Weightstill Woods, Court Trustee and Granada Apartments Hotel Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Trustees of Pillsbury Academy, a Corporation,

Appellants,

173 vs.

The State of Minnesota.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that

the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Black took no part in the consideration and decision of this petition.

The Trustees of Pillsbury Academy, a Corporation,

Appellants,

174 vs.

The State of Minnesota.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Black took no part in the consideration and decision of this petition.

Jane Bass, Administratrix, etc.,

Petitioner,

217 vs.

Mabel A. Dehner, Executrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black is of opinion that the petition for rehearing and the petition for writ of certiorari in this case should be granted.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Ex parte J. R. Palmer,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

John D. Ball,

Petitioner,

54 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

The Roby-Somers Coal Company,

Petitioner,

71 vs.

C. F. Routzahn, Individually and as Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Highway Steel & Manufacturing Company,

Appellant,

150 vs.

Crawford County Circuit Court and J. O. Kincannon, the Judge Thereof.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

R. L. Blaffer & Company,

Petitioner,

168 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Betty Rogers, O. N. Beasley, et al., etc.,

Petitioners,

209 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

George M. Madden, Doing Business as Kohl & Madden Printing Ink Company,

Petitioner,

238 vs.

Mac Sim Bar Paper Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Weightstill Woods, Court Trustee,

Petitioner,

249 vs.

Indemnity Insurance Company of North America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Weightstill Woods, Court Trustee,

Petitioner,

250 vs.

Granada Apartments, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Standard Oil Company of New Jersey,
as Owner, etc.,

Petitioner,

257 vs.

Edwin Bonici.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Orville Chester Garrison,

Petitioner,

263 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

People of the State of Illinois ex
rel. Emil Eitel and Karl Eitel,

Appellants,

296 vs.

John Toman, as Successor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

People of the State of Illinois
ex rel. Sears, Roebuck & Co.,

Appellants,

297 vs.

John Toman, as Successor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

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Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

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Inland Waterways Corporation, et al.,

Petitioners,

6 vs.

Cary H. Hardee, Receiver, etc.

Motion to substitute Frederick J. Young, Receiver of the Commercial National Bank of Washington, D. C., as the party respondent in the place and stead of Cary H. Hardee, resigned, submitted by Mr. George B. Springston for the Respondent.

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Borough of Fort Lee, a Municipal Corporation of the State of New Jersey, et al.,

Petitioners,

256 vs.

The United States of America ex rel. Edwin H. Barker, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case;

Therefore, pursuant to said stipulation, It is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

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Jerry Bruno,

Petitioner,

300 vs.

The United States of America.

Argued by Mr. Samuel B. Wasserman for the Petitioner and by Mr. Assistant Attorney General Rogge for the Respondent.

The United States of America, et al.,

Appellants,

343 vs.

Frank O. Lowden, et al., as Trustees, etc.

Argued by Mr. James C. Wilson for the Appellants and by Mr. W. F. Peter for the Appellees.

National Labor Relations Board,

Petitioner,

20 vs.

Newport News Shipbuilding & Dry Dock Company.

Argument commenced by Mr. Charles Fahy for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Felthan Watson, It is ordered that James J. Dillon, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin C. Dutton, It is ordered that Ross A. Burley, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Greaney, It is ordered that Hugh E. Wall, Jr., Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Simon Lyon, It is ordered that Richard M. Lyon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph C. Shaw, It is ordered that George T. Garrett, Esquire, of Montgomery, State of

Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Philadelphia-Detroit Lines, Inc.,
a Corporation,

Appellant,

vs.

The United States of America and
Interstate Commerce Commission.

O R D E R

The application of the appellant for the suspension of the challenged order of the Interstate Commerce Commission pending an appeal herein has been referred by Mr. Justice Black to the Court and the application is denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

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National Labor Relations Board,

Petitioner,

vs.

Newport News Shipbuilding & Dry
Dock Company.

Argument continued by Mr. Charles Fahy for the Petitioner; by Mr. M. H. Rumble for the Respondent; by Mr. Frank A. Kearney for the Employees' Representative Committee, Intervener; and concluded by Mr. Charles Fahy for the Petitioner.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

32 vs.

National Bituminous Coal Commission, et al.

Motion to substitute party appellee submitted by Mr. J. C. Murphy for the Appellant.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

32 vs.

National Bituminous Coal Commission, et al.

ON CONSIDERATION of the motion to substitute Harold L. Ickes, Secretary of the Interior, as the party appellee in this case in the place and stead of National Bituminous Coal Commission and Percy Tetlow, Chairman, et al.,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

32 vs.

Harold L. Ickes, Secretary of the Interior.

Motion that leave be granted Charles S. Rhyne to appear and present oral argument for the appellant pro hac vice, submitted by Mr. J. C. Murphy in that behalf.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

32 vs.

Harold L. Ickes, Secretary of the Interior.

ON CONSIDERATION of the motion by Mr. J. C. Murphy that leave be granted Mr. Charles S. Rhyne to appear and present oral argument in this case for the appellant pro hac vice,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

32 vs.

Harold L. Ickes, Secretary of the Interior.

Argument commenced by Mr. J. C. Murphy for the Appellant. The Court declined to hear further argument.

Mabel Franklin and R. F. Graves,

Petitioners,

27 vs.

The United States of America.

Argued by Mr. Warner W. Gardner for the Respondent and case submitted by Mr. Sam Costen for the Petitioners.

The United States of America,

Petitioner,

72 vs.

Mrs. Julia Caroline Sponenbarger,
et al.

Argument commenced by Mr. Warner W. Gardner for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Clark, It is ordered that Joseph Marks, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham S. Robinson, It is ordered that Abraham Mann, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. L. Scott, It is ordered that Frank W. Ingram, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Lemke, It is ordered that T. E. Mosheim, Esquire, of Seguin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

Motion of the National Maritime Union of America for leave to intervene submitted by Mr. Joseph Kovner in that behalf.

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The United States of America,

Petitioner,

72 vs.

Mrs. Julia Caroline Sponenbarger, et al.

Argument continued by Mr. Warner W. Gardner for the Petitioner; by Mr. Lamar Williamson for the Respondents; and concluded by Mr. Warner W. Gardner for the Petitioner.

William H. Danforth,

Petitioner,

309 vs.

The United States of America.

Argued by Mr. J. L. London for the Petitioner and by Mr. Warner W. Gardner for the Respondent.

Cities Service Oil Company,

Petitioner,

28 vs.

B. P. Dunlap, et al.

Argument commenced by Mr. Clayton L. Orn for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Perley J. Rose, It is ordered that Mary Elizabeth Rose, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Weymouth Kirkland, It is ordered that

David Fisher, Esquire, of Chicago, State of Illinois; and

John L. McInerney, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Casper C. Cutler, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

The State of Colorado.

Upon consideration of the stipulation of counsel in the above-entitled cause,

It is now here ordered that the time within which the State of Colorado shall file its return to the rule to show cause be, and the same hereby is, extended to and including December 16, 1939.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

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Cities Service Oil Company,

Petitioner,

28 vs.

B. P. Dunlap, et al.

Argument continued by Mr. Clayton L. Orn for the Petitioner; by Mr. Angus G. Wynne for the Respondents and concluded by Mr. Clayton L. Orn for the Petitioner.

Leave granted counsel for Respondent to file additional brief within five days.

John Hancock Mutual Life
Insurance Company,

Petitioner,

33 vs.

Benno Bartels.

Argument commenced by Mr. L. M. Bickett for the Petitioner; continued by Mr. T. E. Mosheim, by Mr. Elmer McClain and Mr. William Lemke for the Respondent, and concluded by Mr. L. M. Bickett for the Petitioner.

Jean McNeil Pepper,

Petitioner,

39 vs.

Scott Litton.

Argument commenced by Mr. M. M. Heuser for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Max Radin, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. March, It is ordered that J. A. A. Burnquist, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick H. Wood, It is ordered that Harold F. McGuire, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore Kiendl, It is ordered that Edward C. McLean, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clement L. Bouvé, It is ordered that Leonard D. Callahan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd Paul Stryker, It is ordered that Harold Shapero, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David V. Cahill, It is ordered that Jesse Climenko, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jean McNeil Pepper,

Petitioner,

39 vs.

Scott Litton.

Argument continued by Mr. M. M. Heuser for the Petitioner; by Mr. Henry Roberts for the Respondent; and concluded by Mr. M. M. Heuser for the Petitioner.

The United States of America,

Petitioner,

48 vs.

Honorable Patrick T. Stone,
United States District Judge for
Western District of Wisconsin.

Argued by Mr. Assistant Attorney General Arnold for the Petitioner and by Mr. Weymouth Kirkland for the Respondent.

The Union Stock Yard and Transit
Company of Chicago,

Appellant,

40 vs.

The United States of America, et al.

Argument commenced by Mr. Frederick H. Wood for the Appellant.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Thomas J. Gallagher, Esquire, of Brooklyn,
State of New York;

Peter J. Connolly, Esquire, of Washington,
District of Columbia;

Vivian A. Clements, Jr., Esquire, of Washington,
District of Columbia; and

Thornton G. Berry, Jr., Esquire, of Welch,
State of West Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. John Rogge, It is ordered that

Abraham W. Brussell, Esquire, of Chicago,
State of Illinois;

Daniel D. Carmell, Esquire, of Chicago,
State of Illinois; and

Irving R. Kaufman, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Dean H. Dickinson, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Lange, It is ordered that Nat B. King, Esquire, of Laredo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Goldman, It is ordered that Harry Stickney, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Wilson, It is ordered that

William C. Graves, Esquire, of Chicago,
State of Illinois; and

Martin Burns, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Connor, It is ordered that

Catherine E. Falvey, of Somerville, (Miss)
State of Massachusetts; and

Kathryn C. Field, of Boston, (Miss)
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Barnet, It is ordered that Samuel L. Lipman, Esquire, of New Bedford, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mercer B.

Tate, Jr., It is ordered that Emil K. Wolthan, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. B. Saul, It is ordered that Joseph Neff Ewing, Esquire, of Valley Forge, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mohundro, It is ordered that Willard H. Hawley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elwood H. Seal, It is ordered that Glenn Simmon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Valvoline Oil Company,	Appeal from the District Court of
Appellant,	the United States for the Western
25 vs.	District of Pennsylvania.
The United States of America and Interstate Commerce Commission.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Mr. Justice Butler took no part in the consideration or decision of this case.

Ziffrin, Incorporated,
Appellant,
vs.
H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

Appeal from the District Court of the United States for the Eastern District of Kentucky.

8

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

Mr. Justice Butler took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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First National Bank of Albuquerque,
Appellant,
vs.
State Tax Commission, Paul B. Harris, Chief Tax Commissioner, et al.

Appeal from the Supreme Court of the State of New Mexico.

400

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Mexico, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

First National Bank of Albuquerque,
Petitioner,
400 vs.
State Tax Commission, Paul B. Harris, Chief Tax Commissioner, et al.

On petition for writ of certiorari to the Supreme Court of the State of New Mexico.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Mexico, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

J. Paul Leonard, Trading as Community Variety Store,
Appellant,
447 vs.
A. J. Maxwell, as Commissioner of Revenue.

ON CONSIDERATION of the motion for leave to file a statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

J. Paul Leonard, Trading as Community Variety Store,
Appellant,
447 vs.
A. J. Maxwell, as Commissioner of Revenue.

Appeal from the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

Mabel Franklin and R. F. Graves,
Petitioners,
27 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed upon the ground that the District Court had no jurisdiction to entertain the suit, and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Tennessee.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

City of Atlanta, a Municipal Corporation of the State of Georgia,
Appellant,
32 vs.
Harold L. Ickes, Secretary of the Interior.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed on the ground that the appellant has no standing to maintain the suit.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte William Bayley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

The State of Missouri,

Complainant,

12, Original vs.

The State of Iowa.

D E C R E E.

The Counsel for the respective parties to the above entitled cause having stipulated and agreed that this cause has been fully settled and compromised and that it shall be dismissed and have filed a stipulation to that effect,

IT IS ORDERED, ADJUDGED and DECREED that the Bill of Complaint in this cause be, and it hereby is, dismissed and that the costs, including the compensation of the Special Master shall be divided equally between the parties.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this cause.

State of Missouri,

Complainant,

12, Original vs.

State of Iowa.

ON CONSIDERATION of the statement of Samuel Williston, Esquire, Special Master in this cause,

IT IS ORDERED that the said Special Master be awarded the sum of $250.00 for his services and that all costs, including the compensation of the Special Master, be paid one-half by each party.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

Milton Prebyl,

Petitioner,

429 O.T. 1938 vs.

Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to file protest and declaration of rights in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

ON CONSIDERATION of the motion of the National Maritime Union of America for leave to intervene and be made a party in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Inland Waterways Corporation, et al.,

Petitioners,

6 vs.

Cary H. Hardee, Receiver of Commercial National Bank of Washington, D. C.

ON CONSIDERATION of the motion to substitute Frederick J. Young, present receiver of the Commercial National Bank of Washington, D. C., as the party respondent in this case in the place and stead of Cary H. Hardee, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Georgia M. Spruill,

Petitioner,

470 vs.

William T. Ballard and Abram R. Serven, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Georgia M. Spruill,

Petitioner,

470 vs.

William T. Ballard and Abram R. Serven, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Joseph Cato,

Petitioner,

478 vs.

Court Smith, Warden, State Prison, San Quentin, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Joseph Cato,

Petitioner,

478 vs.

Court Smith, Warden, State Prison, San Quentin, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Clarence H. Fischer, Inmate No. 15536, etc.,

Petitioner,

484 vs.

J. M. McCauley, as Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Clarence H. Fischer, Inmate No. 15536, Washington State Penitentiary, Walla Walla, Washington,

Petitioner,

484 vs.

J. M. McCauley, as Warden of the Washington State Penitentiary, Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Bob White,

Petitioner,

87 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Bob White,

Petitioner,

87 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Ed Potter,

Petitioner,

128 vs.

Nathan Mayo, as Custodian of the Florida State Prison, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

Ed Potter,

Petitioner,

128 vs.

Nathan Mayo, as Custodian of the Florida State Prison, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The United States of America,

Appellant,

476 vs.

Northern Pacific Railway Company, et al.; and

Northern Pacific Railway Company, et al.,

Appellants,

477 vs.

The United States of America.

The statement of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this order.

John J. McCabe,

Petitioner,

Order allowing certiorari.

437 vs.

Boston Terminal Company.

The petition herein for a writ of certiorari to the Superior Court in and for the County of Suffolk, Commonwealth of Massachusetts, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The H. Rouw Company,

Petitioner,

Order allowing certiorari.

459 vs.

Frank J. Crivella.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Germantown Trust Company, Trustee of the Germantown Trust Company Bond Investment Fund,

Petitioner,

462 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

460 vs.

The Falk Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 253.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Warfield Company,
Petitioner,
376 vs.
American Lecithin Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

American Lecithin Company,
Petitioner,
455 vs.
The Warfield Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Dixie Wholesale Grocery, Inc.,
Petitioner,
409 vs.
James W. Martin, Commissioner of Revenue, et al.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Galena Manufacturing Company of Illinois (Formerly Known as Galena Axle Grease Co.),

Petitioner,

425 vs.

Superior Oil Works.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

William G. Fullerton, et al.,

Petitioners,

433 vs.

The City of Pittsburgh.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Thomas Campisi,

Petitioner,

442 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

John Wesley Davis, Individually and as Administrator with the Will Annexed of the Estate of Frank B. Shelly, Deceased, etc.,

Petitioner,

443 vs.

Elizabeth S. Shelly, Harriet S. Shelly and Percy S. McKimmins, as Executor, etc.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

National Candy Company, a Corporation,

Petitioner,

444 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

March of Time Candies, Inc., a Corporation,

Petitioner,

445 . vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Dietz Gum Company of Chicago, a Corporation, et al.,

Petitioners,

446 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

The Alton Railroad Company,
Petitioner,
450 vs.
Jackson County, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

James A. Cobb,
Petitioner,
452 vs.
Howard University.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Globe & Rutgers Fire Insurance Co., et al.,
Petitioners,
454 vs.
The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

David Graves George,
Petitioner,
456 vs.
Victor Talking Machine Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Jerry W. Carter, as Chairman and W. B. Douglass and Eugene S. Matthews, as Members of the Railroad Commission of the State of Florida,
Petitioners,
438 vs.
Legh R. Powell, Jr. and Henry W. Anderson, Receivers of Seaboard Air Line Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

Carrier Engineering Corporation,

Petitioner,

223 vs.

Geza Horvath, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Hibbard, Spencer, Bartlett & Company,

Appellant,

322 vs.

City of Chicago, a Municipal Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

Gilbert D. Hedden, Transferee, etc.,

Petitioner,

390 vs.

Commissioner of Internal Revenue;

Andrew M. Conneen, Jr., Transferee, etc.,

Petitioner,

391 vs.

Commissioner of Internal Revenue;

Hattie S. Hedden, Transferee, etc.,

Petitioner,

392 vs.

Commissioner of Internal Revenue; and

Gertrude S. Hedden, Transferee, etc.,

Petitioner,

393 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this petition.

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Mr. Justice Butler took no part in the consideration and decision of the cases in which judgments or orders are this day announced.

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The Court will take a recess from Monday, November 20, until Monday, December 4, next.

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Frank R. McNinch, Norman S. Case, et al.,

Petitioners,

316 vs.

Paul R. Heitmeyer.

Motion to substitute party petitioner submitted by Mr. Solicitor General Jackson for the Petitioners.

Frank R. McNinch, Norman S. Case, et al.,

Petitioners,

316 vs.

Paul R. Heitmeyer.

ON CONSIDERATION of the motion to substitute J. Lawrence Fly, present Chairman of the Federal Communications Commission, as a party petitioner in this case in the place and stead of Frank R. McNinch, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this motion.

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The Union Stock Yard and Transit Company of Chicago,

Appellant,

40 vs.

The United States of America, et al.

Argument continued by Mr. Frederick H. Wood for the Appellant; by Mr. Daniel W. Knowlton for Appellees, The United States and Interstate Commerce Commission; by Mr. Lee J. Quasey for Appellee, National Life Stock Marketing Association; by Mr. Douglas F. Smith for Appellees, Railroad Companies; and concluded by Mr. Frederick H. Wood for the Appellant.

Joseph J. Weiss, Martin Gross, et al.,

Petitioners,

42 vs.

The United States of America.

Argument commenced by Mr. Theodore Kiendl for Petitioner, Dr. Maximilian Goldstein; continued by Mr. Lloyd Paul Stryker for Petitioner, Joseph J. Weiss; by Mr. Jacob W. Friedman for Petitioner, Martin Gross; and by Mr. Assistant Attorney General Rogge for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. John Rogge, It is ordered that L. B. Schwartz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Paulding Brown, It is ordered that Henry Munroe, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that Harold C. Havighurst, Esquire, of Evanston, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that Robert L. Howard, Esquire, of Columbia, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

Motion of the American Federation of Labor for leave to intervene submitted by Mr. Charlton Ogburn in that behalf.

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Joseph J. Weiss, Martin Gross, et al.,

Petitioners,

42 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Rogge for the Respondent and concluded by Mr. Lloyd Paul Stryker for Petitioner, Joseph J. Weiss.

Frank Carmine Nardone, et al.,

Petitioners,

240 vs.

The United States of America.

Argued by Mr. David V. Cahill for Petitioner, Frank Carmine Nardone; by Mr. Jesse Climenko for Petitioner, Nathan W. Hoffman; by Mr. Louis Malle for Petitioner, Robert Gottfried; and by Mr. Assistant Attorney General Rogge for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

56 vs.

The F. & R. Lazarus & Company.

Argued by Mr. Norman D. Keller for the Petitioner, and by Mr. Murray Seasongood and Mr. Robert P. Goldman for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, NOVEMBER 15, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alva B. Adams, It is ordered that Walter W. Blood, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that Frank B. Gary, Jr., Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. Bruce, It is ordered that W. E. Davant, Esquire, of Bay City, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Rosenfeld, It is ordered that Morris I. Jaffe, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

397 vs.

The Borden Company, et al.

Motion of Appellees, Hunding Dairy Company, a corporation, and Carl W. Hunding to dismiss appeal as to said Appellees submitted by Mr. James P. Dillie on behalf of counsel.

The United States of America,

Appellant,

397 vs.

The Borden Company, et al.

Four hours allowed for oral argument.

Argued by Mr. Assistant Attorney General Arnold for the Appellant; by Mr. Loy M. McIntosh for Appellees, Sidney Wanzer & Sons, Inc., et al.; by Mr. William C. Graves for Appellees, Pure Milk Association, et al.; by Mr. Joseph A. Padway for Appellees, Robert G. Pitchie, et al.; and by Mr. Frederic Burnham for Appellees, The Borden Company, et al.; and case submitted by Mr. Daniel D. Carmell for Appellee, Leslie G. Goudie; by Mr. Charles S. Deneen, Mr. Roy Massena and Mr. Donald W. Schaffer for Appellees, Hunding Dairy Company, et al.; by Mr. Ben H. Matthews and Mr. James P. Dillie for Appellee, Leland Spencer, and by Mr. Louis M. Mantynband for Appellees, Western United Dairy Company, et al., upon and by their adoption of the brief filed on behalf of Appellees, Sidney Wanzer & Sons, Inc., et al.

Walter E. Pearson, State Treasurer of the State of Oregon,

Petitioner,

69 vs.

Ruth Hayes McGraw, et al.

Argument commenced by Mr. Willis S. Moore for the Petitioner and continued by Mr. Fletcher Rockwood for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, NOVEMBER 16, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William A. Sutherland, It is ordered that Herman A. Fischer, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Laurence C. Cobb, It is ordered that

Marie M. Herney, of San Diego, (Miss)
State of California; and

DeWitt A. Higgs, Esquire, of San Diego,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Dunn, It is ordered that Kenneth H. Guild, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen V. Junkin, It is ordered that Gustav C. Axelrod, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"It is my sad duty to announce the passing, early this morning, of our brother, Mr. Justice Pierce Butler. After a long and distinguished career at the Minnesota Bar, he was appointed Associate Justice of this Court and took his seat in January, 1923. Trained in the exacting school of a most active professional practice, Pierce Butler brought to this Court not only his learning in the law but a rich store of practical experience. His fidelity, his courage and forthrightness, which were his outstanding characteristics, made him a doughty warrior for his convictions, and he served the Court with great ability, an indefatigable industry, and an unwavering loyalty to its traditions and to his lofty conception of its function in preserving our constitutional heritage.

"The funeral services in Washington will be held tomorrow morning at 11 o'clock at Saint Matthew's Cathedral, and the Court will attend. A committee of the Court composed of Mr. Justice McReynolds, Mr. Justice Stone and Mr. Justice Roberts, will attend the services to be held in St. Paul.

"As a further token of respect for the memory of our brother, the Court, immediately upon the conclusion of the hearing in the case now on argument, in which counsel from the Pacific Coast are engaged, will adjourn until Wednesday, November 22nd, next, at noon."

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Walter E. Pearson, State Treasurer
of the State of Oregon,

Petitioner,

69 vs.

Ruth Hayes McGraw, et al.

Argument continued by Mr. Fletcher Rockwood for the Respondents and concluded by Mr. Dean H. Dickinson for the Petitioner.

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Proclamation being made the Court is adjourned until Wednesday, November 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Joseph S. Gershman, Esquire, of New York, State of New York;

Gerard D. Reilly, Esquire, of Boston, State of Massachusetts;

Richard E. Cotton, Esquire, of St. Petersburg, State of Florida; and

Armond Monroe Jewell, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph B. Stewart, It is ordered that Edward D. Phinney, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo F. Tierney, It is ordered that Thomas M. Daly, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Shapiro, It is ordered that Joseph Shemon Crespi, Esquire, of Atlanta, State

of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert F. Beasley, It is ordered that David Brodsky, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Neirbo Company, The A. P. Smith Manufacturing Company, et al.,

Petitioners,

vs.

Bethlehem Shipbuilding Corporation, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

38

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

Clara Schneider,

Petitioner,

vs.

The State (Town of Irvington).

On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

11

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this

cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice McReynolds.

Kim Young, Appellant, vs. The People of the State of California. — Appeal from the Appellate Department of the Superior Court of Los Angeles County, State of California.

13

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Department of the Superior Court of Los Angeles County, State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Appellate Department of the Superior Court of Los Angeles County, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Appellate Department of the Superior Court of Los Angeles County, State of California, for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice McReynolds.

Harold P. Snyder, Petitioner, vs. City of Milwaukee. — On writ of certiorari to the Supreme Court of the State of Wisconsin.

18

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice McReynolds.

Elmira Nichols and Pauline Thompson, Appellants, vs. Commonwealth of Massachusetts. — Appeal from the Superior Court of Worcester County, Commonwealth of Massachusetts.

29

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Worcester County, Commonwealth of Massachusetts, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgments of the said Superior Court, in this cause, be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice McReynolds.

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The Chief Justice announced the following orders of the Court:

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Madison Avenue Corporation, Appellant, vs. Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee. — Appeal from the Supreme Court of the State of Tennessee.

486

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

48 vs.

Honorable Patrick T. Stone, United States District Judge for the Western District of Wisconsin.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R .

The Court appoints Mr. Henry P. Chandler, of Chicago, Illinois, to be Director of the Administrative Office of the United States Courts, pursuant to the Act to provide for the administration of the United States Courts, and for other purposes, approved August 7, 1939.

Per Mr. Chief Justice Hughes.

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Ex parte John Muldoon,

Petitioner.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Flora B. Dodd,

Petitioner,

144 vs.

Aetna Life Insurance Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

ON CONSIDERATION of the motion of the American Federation of Labor for leave to intervene and be made a party in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Lovvorn,

Petitioner,

411 vs.

T. Whitfield Davidson, Judge U. S. District Court, Northern District of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Lovvorn,

Petitioner,

411 vs.

T. Whitfield Davidson, Judge, U. S. District Court, Northern District of Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sylvester Wilson,

Petitioner,

483 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sylvester Wilson,

Petitioner,

483 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert A. Hartman,

Petitioner,

507 vs.

J. Nelson Greene.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert A. Hartman,

Petitioner,

507 vs.

J. Nelson Greene.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

479 vs.

Charles A. Bruun.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
490 vs.
Alphonse Desrochers.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, struck from the docket upon the ground that the petition is not presented by or on behalf of The United States, the party to the record.

Per Mr. Chief Justice Hughes.

New World Life Insurance Company,
Petitioner,
417 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gold, Silver and Tungsten, Inc.,
Petitioner,
453 vs.
Donald F. Wallace, as Executor of the Last Will and Testament of the Estate of Frank E. Wallace, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gans Steamship Line, a Corporation,
Petitioner,
457 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph J. Schlafly, Executor of the Estate of August Schlafly, Deceased,
Petitioner,
471 vs.
Louis J. Becker, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James R. Bemis, Executor of the Estate of William N. Bemis, Deceased,
Petitioner,
472 vs.
Louis J. Becker, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor,

Petitioner,

481 vs.

Magnolia Petroleum Company and the Ohio Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Weber,

Petitioner,

157 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bertram Wm. Coltman,

Petitioner,

360 vs.

Colgate-Palmolive-Peet Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sig Ellingson and Company,

Petitioner,

369 vs.

Mason City Production Credit Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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John F. Jenkins, et al.,

Petitioners,

892 O.T. 1938 vs.

A. Don Bitgood, formerly Acting Collector of Internal Revenue.

Motion for leave to file petition for rehearing submitted by Mr. Curtiss K. Thompson for the petitioners.

State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,

Complainant,

—, Original vs.

Harry H. Woodring, Secretary of War of the United States.

Return to rule to show cause presented.

Joseph Dugan,

Petitioner,

488 vs.

The United States.

Motion for an order releasing proceedings from orders of secrecy and suggestion of a diminution of the record submitted by Mr. Joseph Dugan for the petitioner, in support thereof, and by Mr. Solicitor General Jackson for the respondent, in opposition thereof.

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Proclamation being made the Court is adjourned until Monday, December 4, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. John A. McIntire, It is ordered that John W. McConnaloug, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Harold Obernauer, Esquire, of Pittsburgh,
State of Pennsylvania;

John R. Brosnan, Esquire, of Washington,
District of Columbia; and

Stephen J. Angland, Esquire, of Great Falls,
State of Montana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Burns, It is ordered that

Wilby S. Cowan, Esquire, of Columbus,
State of Ohio;

Robert C. Tyler, Esquire, of Columbus,
State of Ohio;

Louis W. Adams, Esquire, of Columbus,
State of Ohio;

Dale D. Rapp, Esquire, of Columbus,
State of Ohio; and

Harold F. Adams, Esquire, of Columbus,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that George Taylor, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Waldo A. Ross, It is ordered that Elnathan B. Adams, Esquire, of Hot Springs, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rush L. Holland, It is ordered that Kenneth E. Grant, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jean McNeil Pepper,

Petitioner,

39 vs.

Scott Litton.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and that the judgment of the District Court of the United States for the Western District of Virginia, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Virginia.

Per Mr. Justice Douglas.

Walter E. Pearson, State Treasurer of the State of Oregon,

Petitioner,

69 vs.

Ruth Hayes McGraw and Edmund Hayes, as Executors of the Last Will and Testament of Edward Stephen Hayes, Deceased, and as Individuals.

On writ of certiorari to the Supreme Court of the State of Oregon.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice McReynolds.

Concurring opinion by Mr. Justice Stone.

Mr. Justice Frankfurter agrees with Mr. Justice Stone's views as to Oregon's power to tax the federal reserve notes in question, but is of opinion that the record sustains the ground taken in the Court's opinion.

Oklahoma Packing Company, Formerly Wilson & Co., Inc., of Oklahoma, et al.,

Petitioners,

19 vs.

Oklahoma Gas & Electric Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma with directions to dismiss the bill of complaint.

Per Mr. Justice Frankfurter.

Opinion by Mr. Chief Justice Hughes concurring in the reversal of the decree in which Mr. Justice McReynolds and Mr. Justice Roberts join.

Jerry Bruno,

Petitioner,

300 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds concurs in the result.

William H. Danforth,

Petitioner,

309 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

56 vs.

The F. & R. Lazarus & Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Mr. Justice Reed took no part in the consideration and decision of this case.

The United States of America,

Petitioner,

72 vs.

Mrs. Julia Caroline Sponenbarger, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court of the United States for the Eastern District of Arkansas, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ordered that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Arkansas.

Per Mr. Justice Black.

National Labor Relations Board,

Petitioner,

vs.

Newport News Shipbuilding & Dry Dock Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The Union Stock Yard and Transit Company of Chicago,

Appellant,

vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

The United States of America and the Interstate Commerce Commission,

Appellants,

vs.

Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, as Trustees of the Estate of the Chicago, Rock Island and Pacific Railway Company, etc.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Cities Service Oil Company,
Petitioner,
28 vs.
B. P. Dunlap, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

John Hancock Mutual Life Insurance Company,
Petitioner,
33 vs.
Benno Bartels.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals reversing the

judgment of the District Court of the United States for the Western District of Texas and directing the proceedings to be reinstated be, and the same is hereby, affirmed with costs.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court with direction to proceed in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

The United States of America,
Appellant,
vs.
The Borden Company, Charles L. Dressel, Harry M. Reser, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

397

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: The appeal as to count three of the indictment is dismissed. The judgment is reversed as to counts one, two and four of the indictment, and the cause is remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

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Ralph Mark,
Appellant,
vs.
State of Wisconsin.

508

ON CONSIDERATION of the motion for leave to file a motion to dismiss the appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ralph Mark,
Appellant,
vs.
State of Wisconsin.

Appeal from the Supreme Court of the State of Wisconsin.

508

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Ralph Mark,
Appellant,
vs.
State of Wisconsin.

508

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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John Brod Peters,

Plaintiff,

vs.

John J. Mangle, et al.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Poresky,

Petitioner,

vs.

Joseph B. Ely, et al.

ON CONSIDERATION of the application presented herein to the Chief Justice and referred by him to the Court,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the matter of the Disbarment

of Anna L. Cooke.

O R D E R.

It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Anna L. Cooke, of Washington, D. C., as a member of the bar of the said District Court and directing the clerk of that court to strike her name from the roll of attorneys admitted to practice before such court and prohibiting her henceforth from practicing law and holding herself out to be an attorney at law in the District of Columbia;

And this Court by order of October 16, 1939, having suspended the said Anna L. Cooke from the practice of law in this Court and directed

that a rule issue requiring her to show cause within forty (40) days why she should not be disbarred from the practice of law in this Court;

And it appearing that the said rule was issued and served upon the said Anna L. Cooke and that she has failed to file any return although the time for such a return has expired;

IT IS ORDERED that the said Anna L. Cooke be and she hereby is disbarred, and that her name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

In the matter of the Disbarment
of David B. Getz

O R D E R.

It having been reported to the Court that the Appellate Division of the Supreme Court of the State of New York, First Department, has entered an order disbarring David B. Getz, of New York City, a member of the bar of this Court, from practice as an attorney or counsellor at law in the State of New York;

And this Court by order of October 16, 1939, having suspended the said David B. Getz from the practice of law in this Court and directed that a rule issue requiring him to show cause within forty (40) days why he should not be disbarred from the practice of law in this Court;

And it appearing that the said rule was issued and served upon the said David B. Getz and that he has failed to file any return although the time for such a return has expired;

IT IS ORDERED that the said David B. Getz be and he hereby is disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

In re Disbarment of

French B. Loveland.

—

A Rule is ordered to issue returnable on January 2, 1940, requiring French B. Loveland, of Cape May C. H., New Jersey, a member of the Bar of this Court, to show cause in writing before this Court why he should not be disbarred from further practice of law in this Court for conduct unbecoming a member of the Bar of this Court, in that he has failed to respond to communications addressed to him by the Clerk of this Court respecting costs due by his client in the case of Lanzetta, et al., v. The State of New Jersey, No. 308, October Term, 1938.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

43 vs.

John McShain, Inc.

O R D E R.

IT IS ORDERED that the order in this case dated November 6, 1939, be and it hereby is amended to read as follows:

"On writ of certiorari to the Court of Claims.

"Per curiam: The judgment is reversed to the extent that it includes the $1,877.93 alleged to be due from the United States in paragraphs XIV through XXIV of the petition to the Court of Claims, and the cause is remanded to the Court of Claims with instructions to enter judgment in favor of the United States with regard to this item. Plumley v. United States, 226 U.S. 545, 547; Merrill-Ruckgaber Co. v. United States, 241 U.S. 387, 393."

Per Mr. Chief Justice Hughes.

The judgment in this case, dated November 6, 1939, as amended, to read as follows:

The United States,
Petitioner,
vs.
John McShain, Inc.

On writ of certiorari to the Court of Claims.

43

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed to the extent that it includes the $1,877.93 alleged to be due from the United States in paragraphs XIV through XXIV of the petition to the Court of Claims; and that this cause be, and the same is hereby, remanded to the Court of Claims with instructions to enter judgment in favor of the United States with regard to this item.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this case.

L. Boteler, Trustee of the Estate of Richmaid Creameries, Inc., a Corporation, Debtor,
Petitioner,
vs.
Ray Ingels, Director of Motor Vehicles of the State of California; Howard E. Deems, as Registrar of Motor Vehicles of the State of California, and the Motor Vehicle Department of the State of California;

and

L. Boteler, Trustee of Richmaid Creameries, Inc., a Corporation, Debtor,
Petitioner,
vs.
Ray Ingels, Director of Motor Vehicles of the State of California, and Howard E. Deems as Registrar of Motor Vehicles of the State of California.

On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

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ORDERED that the first sentence in the second paragraph on page 3 of the opinion be amended to read:

"First. Subdivision 57(j) prohibits allowance of a tax penalty against the bankrupt estate only if incurred by the bankrupt before bankruptcy by reason of his own delinquency."

IT IS FURTHER ORDERED that the petition for rehearing be denied.

Per Mr. Chief Justice Hughes.

Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor,

Petitioner,

481 vs.

Magnolia Petroleum Company and the Ohio Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bernie Bennett,

Petitioner,

506 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bernie Bennett,
Petitioner,
506 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Schenk,
Petitioner,
553 vs.
The State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Schenk,
Petitioner,
553 vs.
The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Nally,

Petitioner,

555 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Nally,

Petitioner,

555 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry C. Groseclose,

Petitioner,

549 vs.

Clyde I. Plummer, Warden of the California State Prison, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Henry C. Groseclose,

Petitioner,

549 vs.

Clyde I. Plummer, Warden of the California State Prison, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Henry C. Groseclose,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Helis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix, etc., et al.

ON CONSIDERATION of the motion of Agnes E. Lewis and others for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Helis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix, etc., et al.

ON CONSIDERATION of the motion of Agnes E. Lewis, et al., for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Dugan,

Petitioner,

488 vs.

The United States.

ON CONSIDERATION of the motion of the Petitioner for an order releasing the proceedings in this case from the various orders of secrecy imposed thereon by the court below,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, and the Clerk of this Court is directed to return to the Court of Claims the papers filed in this case.

Per Mr. Chief Justice Hughes.

Joseph Dugan,

Petitioner,

488 vs.

The United States.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion for a writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Dugan,

Petitioner,

488 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Sheldon and Margaret Ayer Barnes,

Petitioners,

482 vs.

Metro-Goldwyn Pictures Corporation, Metro-Goldwyn-Mayer Distributing Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, and the same is assigned for argument immediately following No. 475.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

474 vs.

A. H. DuGrenier, Inc., Principal and Stewart & McGuire, Inc., Agent.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, and the case is assigned for argument immediately following No. 45.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

475 vs.

Berwind-White Coal Mining Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, and the case is assigned for argument immediately following No. 474.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lottie Hamrick and L. D. Hamrick,

Petitioners,

491 vs.

Curtis F. Bryan, Chas. R. Bostick, Paul L. Sisk, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Wade H. Cooper,
Petitioner,
501 vs.
J. F. T. O'Connor, Individually and as Comptroller of the Currency of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Frankfurter took no part in the consideration and decision of this application.

Titan Metal Manufacturing Company,
Petitioner,
461 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Guarantee Company,
Petitioner,
489 vs.
William M. Elkins, Casper W. Morris, Charles H. Howell, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Oak Woods Cemetery Association,
Petitioner,
492 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Emerson Electric Manufacturing Co.,
Petitioner,
493 vs.
Emerson Radio & Phonograph Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Justin Haynes & Company, Inc.,
Petitioner,
480 vs.
The Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Metro-Goldwyn Pictures Corporation, Metro-Goldwyn-Mayer Distributing Corporation, et al.,

Petitioners,

505 vs.

Edward Sheldon and Margaret Ayer Barnes.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Montague Stanley Tweedie,

Petitioner,

485 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Mary Herder, Mrs. Alma Williams, Mrs. Vida Allen, et al., etc.,

Petitioners,

494 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Porto Rico Railway, Light & Power Company,

Petitioner,

495 vs.

Jose Enrique Colom, Commissioner of the Interior of Puerto Rico, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ziolo Mendez Rios,

Petitioner,

496 vs.

Harry N. Baetjer, et al., Trustees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Seaside Improvement Company,

Petitioner,

497 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stonega Coke & Coal Company,
Petitioner,
498 vs.
Samuel Price, Mary A. Price, Elizabeth W. Price, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas K. Case and Adele B. Cowan, et al.,
Petitioners,
23 vs.
Los Angeles Lumber Products Company, Ltd.,;

and

Thomas K. Case and Adele B. Cowan, et al.,
Petitioners,
24 vs.
Los Angeles Lumber Products Company, Ltd.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Texas Electric Railway Company,

Appellant,

31 vs.

Clyde O. Eastus, United States Attorney, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Estate of Charles Henry Sanford, Deceased, etc.,

Petitioner,

34 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Annie R. Wharton, et al.,

Petitioners,

234 vs.

Shenandoah Publishing House, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milk Wagon Drivers Union of
Chicago, etc., et al.,

Petitioners,

353 vs.

Meadowmoor Dairies, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Surety & Casualty Company
of New York,

Petitioner,

358 vs.

Standard Accident Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Graybar Electric Company, Inc., et al.,

Appellants,

388 vs.

John C. Curry, as Commissioner, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. G. Haverstick,

Petitioner,

402 vs.

Drainage District No. 7 of Poinsett County, Arkansas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Dean,

Petitioner,

408 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sunshine Anthracite Coal Company,

Petitioner,

410 vs.

Harold L. Ickes, as Secretary of the Interior, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John F. Jenkins, et al.,

Petitioners,

892 O.T. 1938 vs.

A. Don Bitgood, Formerly Acting Collector of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Buckstaff Bath House Company,

Petitioner,

201 vs.

Ed I. McKinley, as Commissioner of the Department of Labor of the State of Arkansas, et al.

Submitted by Mr. Terrell Marshall for the Petitioner and by Mr. W. L. Pope for the Respondents.

Interstate Natural Gas Company and United States Fidelity and Guaranty Company,

Petitioners,

77 vs.

A. H. Stone, Commissioner, etc.

Motion for leave for counsel for Petitioners to appear and present oral argument, pro hac vice, submitted by Mr. Garner W. Green.

Interstate Natural Gas Company and
United States Fidelity and Guaranty
Company,

Petitioners,

77 vs.

A. H. Stone, Commissioner, etc.

ON CONSIDERATION of the motion that Mr. Maxwell Bramlette be granted leave to appear and present oral argument for the petitioners pro hac vice,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Interstate Natural Gas Company
and United States Fidelity and
Guaranty Company,

Petitioners,

77 vs.

A. H. Stone, Commissioner, etc.

Argument commenced by Mr. Garner W. Green for the Petitioners.

The Court declined to hear further argument.

V. E. LeTulle,

Petitioner,

63 vs.

Frank Scofield, United States Collector of Internal Revenue for the
First District of Texas.

Argued by Mr. Homer L. Bruce for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Benjamin G. Wilson, It is ordered that

L. S. Moore, Esquire, of Centerville, State of Alabama; and

John Foshee, Esquire, of Centerville, State of Alabama;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Ruth Mirick Jameson, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Lee R. Schermerhorn, It is ordered that Harold Leon Cook, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that Leo Gottlieb, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis B. Boudin, It is ordered that

Samuel Levine, Esquire, of Washington, District of Columbia; and

Sidney C. Schlesinger, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Stanley, It is ordered that A. Owsley Stanley, Jr., Esquire, of Henderson, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abner H. Ferguson, It is ordered that R. Winton Elliott, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chapin B. Bauman, It is ordered that Stacy M. Reed, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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George W. Griffiths,

Petitioner,

49 vs.

Commissioner of Internal Revenue.

Argued by Mr. Herman A. Fischer for the Petitioner and by Mr. Arnold Raum for the Respondent.

Joseph T. Higgins, Collector of
Internal Revenue for the Third
District of New York,

Petitioner,

146 vs.

John Thomas Smith.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. David Sher for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

317 vs.

James Lee Johnson.

Argument commenced by Mr. Assistant Attorney General Clark for the Petitioner; continued by Mr. Abraham Lowenhaupt for the Respondent; and concluded by Mr. Arnold Raum for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 6, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles D. Hamel, It is ordered that Leslie Moses, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that P. H. Cavaney, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Seay Lawson, It is ordered that

James Lahey Screws, Esquire, of Montgomery, State of Alabama; and

William H. Loeb, Esquire, of Montgomery, State of Alabama;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Lynch, It is ordered that Maurice Patrick O'Connor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sumner Lobingier, It is ordered that Roy Glynn Allman, Esquire, of Rockymount, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Edward H. DeGroot, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Retail Food Clerks and Managers Union,
Local No. 1357, et al.,

Petitioners,

35 vs.

Union Premier Food Stores, Inc., et al.

Argued by Mr. Joseph A. Padway for the Petitioners and by Mr. Harry Shapiro for the Respondent.

Fur Workers Union No. 21238, Affiliated
with the American Federation of Labor,
etc.,

Petitioner,

80 vs.

Fur Workers Union, Local No. 72, et al.

Argument commenced by Mr. Irvin Goldstein for the Petitioner.

The Court declined to hear further argument.

William Nelis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix,
etc., et al.

Argued by Mr. Eugene D. Saunders for the Petitioner and by Mr. William M. Bonner for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry S. Ridgely, It is ordered that

Jerrold H. Ruskin, Esquire, of New York, State of New York; and

Lionel Peabody Marks, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon B. Lamfrom, It is ordered that Aloysius John Engelhard, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Robertson, It is ordered that

Robert C. Brown, Jr., Esquire, of Chicago, State of Illinois; and

Albert Henry Kirchner, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Herdman Schwatka, It is ordered that

Anne M. Mosher, of Laurel, (Mrs.)
State of Maryland;

Bessie I. Koehl, of Washington, (Mrs.)
District of Columbia;

Susan D. Richards, of Washington, (Miss)
District of Columbia; and

Blanche B. Boaz, of Washington, (Mrs.)
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thaddeus H. Brown, It is ordered that John B. Meister, Esquire, of Wauseon, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent M. Miles, It is ordered that Jess B. Harper, Esquire, of Talihina, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Hubert Davis, It is ordered that Armando A. Miranda, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Chicot County Drainage District,

Petitioner,

122 vs.

The Baxter State Bank and Mrs. Lena S. Shields.

Argument commenced by Mr. E. L. McHaney, Jr., for the Petitioner; continued by Mr. G. W. Hendricks for the Respondents; and concluded by Mr. S. Lasker Ehrman for the Petitioner.

Lonnie Avery,

Petitioner,

124 vs.

The State of Alabama.

Argument commenced by Mr. L. S. Moore for the Petitioner; continued by Mr. Thomas S. Lawson for the Respondent; and concluded by Mr. John Foshee for the Petitioner.

American Federation of Labor,
International Longshoremen's
Association, et al.,

Petitioners,

70 vs.

National Labor Relations Board.

Argument commenced by Mr. Joseph A. Padway for the Petitioners and continued by Mr. Charles Fahy for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James E. Waddell, It is ordered that Constantine N. Perkins, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Clinton James, It is ordered that Fred G. Stickel, Jr., Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon A. Ransom, It is ordered that Thurgood Marshall, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,
Petitioner,
193 vs.
Waterman Steamship Corporation.

Motion for leave to file brief of the National Maritime Union of America as amicus curiae submitted by Mr. Joseph Kovner in that behalf.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

ON CONSIDERATION of the motion for leave to file brief of the National Maritime Union of America as amicus curiae submitted by Mr. Joseph Kovner in that behalf,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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American Federation of Labor, International Longshoremen's Association, et al.,

Petitioners,

70 vs.

National Labor Relations Board.

Argument continued by Mr. Charles Fahy for the Respondent and concluded by Mr. Joseph A. Padway for the Petitioners.

National Labor Relations Board,

Petitioner,

253 vs.

International Brotherhood of Electrical Workers, et al.

Argued by Mr. Charles Fahy for the Petitioner and by Mr. John B. Hollister and Mr. Isaac Lobe Straus for the Respondents.

National Labor Relations Board,

Petitioner,

460 vs.

The Falk Corporation, et al.

Argument commenced by Mr. Charles Fahy for the Petitioner and continued by Mr. A. J. Engelhard for the Respondent, The Falk Corporation.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ashley M. VanDuzer, It is ordered that Walker H. Nye, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Peterson, It is ordered that Nathaniel Rubinkam, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Caesar L. Aiello, It is ordered that Charles M. Welles, 3rd., Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David M. Palley, It is ordered that ~~William Lieberman,~~ name changed to William Anthony Lieb. Order 1/22/48 Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney Ehrlich, It is ordered that Gustave B. Garfield, Esquire, of New York, State

of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Wiener, It is ordered that George D. Mulligan, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Marran, It is ordered that John F. Cusack, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Amos M. Mathews, It is ordered that Frank Pace, Jr., Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Raymond E. Hackett, Esquire, of Stamford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Frank Carmine Nardone, Nathan W. Hoffman and Robert Gottfried,

Petitioners,

240 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United

States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration or decision of this case.

Ford Motor Company,

Petitioner,

17 vs.

Tom L. Beauchamp, Secretary of State of the State of Texas, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas.

Per Mr. Justice Reed.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Black and Mr. Justice Douglas concur in the result.

Joseph J. Weiss, Martin Gross, Dr. George Krupp and Dr. Maximilian Goldstein,

Petitioners,

42 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of

Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

Ernest Cavicchi, Doing Business as the Wade Button Co.,

Appellant,

vs.

Mohawk Manufacturing Co., Inc.

Appeal from the Supreme Court of the State of New York.

503

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Interstate Natural Gas Company and United States Fidelity and Guaranty Company,

Petitioners,

vs.

A. H. Stone, Commissioner of Franchise Tax, and United States Fidelity and Guaranty Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

77

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that

this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Mississippi.

Per Mr. Chief Justice Hughes.

Fur Workers Union No. 21238, Affiliated With the American Federation of Labor, an Unincorporated Association, et al.,

Petitioners,

80 vs.

Fur Workers Union, Local No. 72, I. Gartenhaus, Josephine Cardoza, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

317 vs.

James Lee Johnson.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Leona Piatt Gray,

Petitioner,

365 vs.

The Union Joint Stock Land Bank of Detroit;

Carl H. Gray,

Petitioner,

366 vs.

The Union Joint Stock Land Bank of Detroit; and

Ralph Piatt,

Petitioner,

367 vs.

The Union Joint Stock Land Bank of Detroit.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Leona Piatt Gray,

Petitioner,

Order allowing certiorari.

365 vs.

The Union Joint Stock Land Bank of Detroit.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Leona Piatt Gray,

Petitioner,

365 vs.

The Union Joint Stock Land Bank of Detroit.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Carl M. Gray,

Petitioner,

366 vs.

The Union Joint Stock Land Bank of Detroit.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Carl H. Gray,

Petitioner,

366 vs.

The Union Joint Stock Land Bank of Detroit.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Ralph Piatt,

Petitioner,

367 vs.

The Union Joint Stock Land Bank of Detroit.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ralph Piatt,

Petitioner,

367 vs.

The Union Joint Stock Land Bank of Detroit.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged

by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Florence Morrison,

Petitioner,

412 vs.

The Federal Land Bank of Louisville, Kentucky, et al.; and

Florence Morrison, Executrix, etc.,

Petitioner,

413 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Florence Morrison,

Petitioner,

Order allowing certiorari.

412 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Florence Morrison,

Petitioner,

412 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States For the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Florence Morrison, Executrix of the Estate of Maurice R. Morrison, Deceased,

Petitioner,

413 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Florence Morrison, Executrix of the Estate of Maurice R. Morrison, Deceased,

Petitioner,

413 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dudley Potter,

Petitioner,

235 vs.

The Union Central Life Insurance Company and Daniel Searles.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Dudley Potter,

Petitioner,

235 vs.

The Union Central Life Insurance Company and Daniel Searles.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Frank S. Guy,

Petitioner,

517 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank S. Guy,

Petitioner,

517 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry J. Miller,

Petitioner,

237 vs.

Lester Shirl Hatfield, Trustee in Farmer Debtor Bankruptcy, et al.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis as to the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ethyl Gasoline Corporation, Earle W. Webb and John Coard Taylor,

Appellants,

536 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors of the Last Will and Testament of Alice G. Vanderbilt, Deceased, et al.,

Appellants,

541 vs.

State Tax Commission of the State of New York.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Federal Communications Commission,

Petitioner,

Order allowing certiorari.

499 vs.

Sanders Brothers Radio Station.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Minnesota,

Petitioner,

500 vs.

National Tea Company and Allied Stores Corporation (Formerly Hahn Department Stores, Incorporated).

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Minnesota is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Byron Thornhill,

Petitioner,

514 vs.

The State of Alabama.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the State of Alabama is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

510 vs.

Philip Klein, Escheator of the Commonwealth of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

The National City Bank of Cleveland, Trustee,
Petitioner,
vs.
The Euclid-Doan Company and A. J. Harvey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

359

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

A. F. Hamacek Marine Corporation,
Petitioner,
vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

324

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George J. D'Allessandro, et al.,
Petitioners,
vs.
Lula Bechtol.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

504

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William E. Booing,
Petitioner,
511 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Antonio Criscuolo and Lucia Criscuolo,
Petitioners,
512 vs.
Matts Werner Sweins, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, First Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Claude Shoaf,
Petitioner,
513 vs.
W. H. Fitzpatrick.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Dunn, Noah Dunn and Ralph Dunn,
Petitioners,
516 vs.
Peter Micco, Hettie Micco, Guardian ad litem of Peter Micco, an Incompetent, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atchison, Topeka and Santa Fe Railway Company,
Petitioner,
539 vs.
Hannah Baker, as Treasurer of Baca County, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham & Straus, Inc., Petitioner, vs. Art Metal Works, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

429

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham & Straus, Inc., Petitioner, vs. Art Metal Works, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

430

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company, Petitioner, vs. Stella Jane Gamer, as Executrix of the Will of E. Walter Gamer, also known as Edward W. Gamer, Deceased. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

449

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1 vs.

Wilshire Oil Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Graves George,

Petitioner,

456 vs.

Victor Talking Machine Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

470 vs.

William T. Ballard and Abram R. Serven, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

The Court will take a recess from Monday, December 18, until Tuesday, January 2, 1940.

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New World Life Insurance Company, a corporation,

Petitioner,

417 vs.

The United States.

Motion to extend time for filing petition for rehearing submitted by Mr. Edmund S. Kochersperger in behalf of counsel for the Petitioner.

Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey.

Motion for leave to file bill of complaint submitted by Mr. Wm. A. Schnader for the Complainant.

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National Labor Relations Board,

Petitioner,

460 vs.

The Falk Corporation, et al.

Argument continued by Mr. Leon B. Lamfrom for the Respondent, The Falk Corporation; by Mr. Giles F. Clark for the Respondent, Independent Union of Falk Employees; and concluded by Mr. Charles Fahy for the Petitioner.

The United States of America,

Appellant,

78 vs.

The Baltimore and Annapolis Railroad Company, et al.

Argument commenced by Mr. Assistant Attorney General Shea for the Appellant. The Court declined to hear further argument.

Rafael Sancho Bonet, Treasurer,

Petitioner,

132 vs.

The Texas Company (P.R.) Inc.

Argued by Mr. William Cattron Rigby for the Petitioner and by Mr. Lionel P. Marks and Mr. Jerrold H. Ruskin for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Llewellyn A. Luce, It is ordered that Edward Joseph Clarke, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen G. Gartner, It is ordered that Thomas Morgan Lewis, Esquire, of Wilkes-Barre, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that John Louis Shook, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. R. Spofford, It is ordered that George V. Strong, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold F. McGuire, It is ordered that Albert R. Connelly, Esquire, of New York, State

of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Abe Fischer,

Appellant,

239 vs.

Pauline Oil & Gas Company.

Submitted by Mr. Claude M. Rosenstein for the Petitioner and by Mr. Charles E. France for the Respondent.

Postal Steamship Corporation,

Petitioner,

73 vs.

Steamship El Isleo, etc.; and

Postal Steamship Corporation,

Petitioner,

74 vs.

Southern Pacific Company.

Argued by Mr. John C. Crawley for the Petitioner and by Mr. Chauncey I. Clark for the Respondents.

Pearl E. Deputy and The Sussex Trust Company, etc.,

Petitioners,

151 vs.

Pierre S. DuPont.

Argued by Mr. Robert K. McConnaughey for the Petitioners and by Mr. George Wharton Pepper for the Respondent.

General American Tank Car Corporation,

Petitioner,

129 vs.

El Dorado Terminal Company.

Argument commenced by Mr. Allan P. Matthews for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. A. Van Orsdel, It is ordered that William M. Lamb, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Arthur Moran, It is ordered that Arthur T. Thorson, Esquire, of Elkhorn, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight T. Taylor, It is ordered that Harrison Tilghman, Esquire, of Easton, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Margaret C. Berry, as Administratrix of the Goods, Chattels and Credits Which Were of George H. Berry, Deceased,
Petitioner,

310 vs.

Midtown Service Corporation, Oceanview Realty Operating Company, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the writ of certiorari in this case without costs to any party against any other party;

Therefore, pursuant to said stipulation, IT IS ORDERED by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed without costs to either party; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Frank S. Guy,

Petitioner,

517 vs.

The United States of America.

ON CONSIDERATION of the motion to stay the issuance of the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the order denying a petition for certiorari be withheld pending the filing and determination of a timely petition for rehearing.

Per Mr. Chief Justice Hughes.

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General American Tank Car Corporation,

Petitioner,

129 vs.

El Dorado Terminal Company.

Argument continued by Mr. Allan P. Matthews for the Petitioner and concluded by Mr. W. F. Williamson for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

110 vs.

Mary Q. Hallock, et al.;

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

111 vs.

Mary Q. Hallock, Executrix, etc.; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

112 vs.

S. H. Squire, Superintendent of
Banks of the State of Ohio, etc.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Walker K. Nye and Mr. Ashley M. VanDuzer for the Respondents in Nos. 110 and 111 and case submitted by Mr. W. H. Annat for the Respondent in No. 112.

Walter J. Rothensies, Collector
of Internal Revenue, etc.,

Petitioner,

183 vs.

Linford B. Cassell, Surviving Executor, etc.

Motion to substitute party respondent submitted by Mr. William R. Spofford for the Respondent.

Walter J. Rothensies, Collector of Internal Revenue, etc.,

Petitioner,

183 vs.

Linford B. Cassell, Surviving Executor, etc.

The discharge of Linford B. Cassell as surviving executor of the estate of George F. Uber, deceased, and the appointment of Craig Huston as administrator de bonis non cum testamento annexo of the estate of George F. Uber, deceased, having been suggested,

It is, pursuant to stipulation of the parties, ordered by this Court that Craig Huston, Administrator d. b. n. c. t. a., of the estate of George F. Uber, Deceased, be substituted as the party respondent in the place and stead of Linford B. Cassell and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Walter J. Rothensies, Collector of Internal Revenue, etc.,

Petitioner,

183 vs.

Craig Huston, Administrator, etc.

Argument commenced by Mr. Arnold Raum for the Petitioner and continued by Mr. William R. Spofford for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that William A. Mannon, Jr., Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo T. Wolford, It is ordered that Robert Lee Blackwell, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard M. Long, It is ordered that Benjamin Otis Frick, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard K. Stevens, It is ordered that Harold J. Kinney, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Walter J. Rothensies, Collector of
Internal Revenue, etc.,

Petitioner,

183 vs.

Craig Huston, Administrator, etc.

Argument continued by Mr. William R. Spofford for the Respondent and concluded by Mr. Arnold Raum for the Petitioner.

Waldo G. Bryant and Ida Bryant,
Executors, etc.,

Petitioners,

399 vs.

Commissioner of Internal Revenue.

Argued by Mr. J. Gilmer Korner, Jr., and Mr. David S. Day for the Petitioners and by Mr. Arnold Raum for the Respondent.

Leave granted petitioners to file a reply brief by Monday next.

A. M. McCarroll, Commissioner of
Revenues of the State of Arkansas,

Appellant,

138 vs.

Dixie Greyhound Lines, Inc.

Argument commenced by Mr. Frank Pace, Jr., for the Appellant; continued by Mr. Amos M. Matthews for the Appellant and by Mr. A. L. Heiskell for the Appellee; and concluded by Mr. Amos M. Matthews for the Appellant.

John E. Madden, Jr., Executor, etc.,

Appellant,

92 vs.

Commonwealth of Kentucky, by
James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky.

Motion to substitute party appellee submitted by Mr. Leo T. Wolford.

John E. Madden, Jr., Executor, etc.,

Appellant,

92 vs.

Commonwealth of Kentucky, by James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky.

The resignation of James W. Martin as Commissioner of Revenue of the Commonwealth of Kentucky, and the appointment of H. Clyde Reeves to said office having been suggested,

It is, pursuant to stipulation of the parties, ordered, by this Court that H. Clyde Reeves, present Commissioner of Revenue of the Commonwealth of Kentucky, be substituted as the party appellee in the place and stead of James W. Martin and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

John E. Madden, Jr., Executor, etc.,

Appellant,

92 vs.

Commonwealth of Kentucky, by H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky.

Argued by Mr. Leo T. Wolford for the Appellant and by Mr. Samuel M. Rosenstein for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, DECEMBER 15, 1939.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lee B. Kemon, It is ordered that Edgar F. Baumgartner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Beale, It is ordered that Charles Henry Austin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick E. Campbell, It is ordered that Sumner Sigsbee Kittelle, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that David B. Hexter, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Wyoming,

Complainant,

10, Original
O. T. 1935 vs.

The State of Colorado.

ON CONSIDERATION of the application of counsel for the Defendant to extend the time within which to file the return to the rule to show cause herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including January 15, 1940.

Per Mr. Chief Justice Hughes.

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Ernest Newton Kalb and Margaret Kalb, his wife,

Appellants,

120 vs.

Henry Feuerstein and Helen Feuerstein, his wife; and

Ernest Newton Kalb,

Appellant,

121 vs.

Roscoe R. Luce, et al.

Argued by Mr. William Lemke and Mr. Elmer McClain for the Appellants and by Mr. J. Arthur Moran and Mr. Arthur T. Thorson for the Appellees.

Haggar Company,

Petitioner,

176 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Thomas M. Wilkins for the Petitioner and by Miss Helen R. Carloss for the Respondent.

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Proclamation being made the Court is adjourned until Monday, December 18, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John T. Vance, Jr., It is ordered that Vernon M. Smith, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Byrne, It is ordered that Ralph Waldo Wilson, Esquire, of Gloucester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Clifford T. Inglis, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Kline, Jr., It is ordered that Earl Q. Kullman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis M. Denit, It is ordered that Ruhl Leroy Cooper, Esquire, of Washington, District

of columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis M. Denit, It is ordered that J. Ross Gamble, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Buckstaff Bath House Company,
Petitioner,
vs.
Ed I. McKinley, as Commissioner of the Department of Labor of the State of Arkansas, et al.

On writ of certiorari to the Supreme Court of the State of Arkansas.

201

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Concurring: Mr. Justice Reed.

William Helis,
Petitioner,
vs.
Mrs. Itasca Kinney Ward, as Executrix of the Estate of Bryan Ward, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

68

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana.

Per Mr. Justice Douglas.

The Board of County Commissioners of the County of Jackson, in the State of Kansas, etc.,

Petitioner,

14 vs.

The United States of America, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds concurs in the result.

Separate opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

George W. Griffiths,

Petitioner,

49 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

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The Chief Justice announced the following order of the Court:

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The United States of America,
Appellant,
vs.
The Baltimore and Annapolis Railroad Company, et al.

Appeal from the Court of Appeals of the State of Maryland.

78

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,
Complainant,
vs.
Harry H. Woodring, Secretary of War of the United States.

—, Original

The return to the rule to show cause is received and ordered filed.

This cause is set for hearing on Monday, January 29, 1940, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey, et al.

A rule is ordered to issue, returnable January 5, 1940, requiring the defendants to show cause why leave to file the bill of complaint should not be granted.

Per Mr. Chief Justice Hughes.

State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

This cause is reassigned for argument on Monday, April 22, 1940.

The brief of the Complainant to be filed on or before March 18 and reply briefs to be filed on or before April 15.

Per Mr. Chief Justice Hughes.

New-World Life Insurance Company,

Petitioner,

417 vs.

The United States.

ON CONSIDERATION of the motion to extend the time for filing a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 15, 1940.

Per Mr. Chief Justice Hughes.

William Helis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix, etc.

ON CONSIDERATION of the motion of Agnes E. Lewis and others to postpone the consideration of this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank S. Connor,

Petitioner,

562 vs.

The People of the State of California, Clyde I. Plummer, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes..

Frank S. Connor,

Order allowing certiorari.

Petitioner,

562 vs.

The People of the State of California, Clyde I. Plummer, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lloyd N. Cobbledick, Individually and as Vice President of Cobbledick-Kibbe Glass Company, et al.,

Petitioners,

571 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. M. Brawner, Individually and as Officer and Director of W. P. Fuller & Co., et al.,

Petitioners,

572 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Eugene Palmuth, Individually and as President of Crowe Glass Company, et al.,

Petitioners,

573 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The City of Yonkers,

Petitioner,

542 vs.

Walter P. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph P. Loehr, Mayor, James J. Hushion, Comptroller and Dennis M. Morrissey, Commissioner of Public Safety of the City of Yonkers,

Petitioners,

543 vs.

Walter P. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph P. Loehr, Mayor, James J. Hushion, Comptroller and Dennis M. Morrissey, Commissioner of Public Safety of the City of Yonkers,

Petitioners,

544 vs.

Walter P. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The City of Yonkers, as Trustee Under the Last Will and Testament of Irvin Saunders, of "The Saunders Trade School Fund,"

Petitioner,

545 vs.

Walter F. Downey, as Receiver of the First National Bank and Trust Company of Yonkers, New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Winchester Manufacturing Company,

Petitioner,

487 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kansas City Southern Railway Company and The Kansas City Shreveport and Gulf Railway Company,

Petitioners,

515 vs.

City of Shreveport.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James E. Carroll, Executor of the Estate of John W. Rowan, Deceased, et al.,

Petitioners,

540 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Lovvorn,

Petitioner,

411 vs.

T. Whitfield Davidson, Judge, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gold, Silver and Tungsten, Inc.,

Petitioner,

453 vs.

Donald F. Wallace, as Executor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Tuesday, January 2, 1940, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alfred L. Bennett, It is ordered that Harry Leviton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robt. L. Owen, It is ordered that George J. Magin, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gessner T. McCorvey, It is ordered that C. A. L. Johnstone, Jr., Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paxton Blair, It is ordered that

William G. Mulligan, Jr., Esquire, of New York, State of New York; and

William C. Chanler, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Durward E. Balch, Esquire, of Dickinson, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rafael Sancho Bonet, Treasurer,
Petitioner,
132 vs.
The Texas Company (P. R.), Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the Supreme Court of Puerto Rico, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico.

Per Mr. Justice Douglas.

Mr. Justice Stone did not participate in the consideration or disposition of this case.

Ernest Newton Kalb and Margaret Kalb, His Wife,
Appellants,
120 vs.
Henry Feuerstein and Helen Feuerstein, His Wife.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the

same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Ernest Newton Kalb, Appellant, vs. Roscoe R. Luce, Henry Feuerstein, Helen Feuerstein and George O'Brien. — Appeal from the Supreme Court of the State of Wisconsin.

121

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Lonnie Avery, Petitioner, vs. The State of Alabama. — On writ of certiorari to the Supreme Court of the State of Alabama.

124

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

National Labor Relations Board, Petitioner, vs. The Falk Corporation, et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

460

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to enforce the order of the National Labor Relations Board without any modification.

Per Mr. Justice Black.

Mr. Justice McReynolds took no part in the consideration or decision of this case.

V. L. LeTulle,

Petitioner,

63 vs.

Frank Scofield, United States Collector of Internal Revenue for the First District of Texas.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas with directions to proceed in accordance with the opinion and mandate of the Circuit Court of Appeals.

Per Mr. Justice Roberts.

General American Tank Car Corporation,

Petitioner,

129 vs.

El Dorado Terminal Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Haggar Company,
Petitioner,
vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

176

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

American Federation of Labor, International Longshoremen's Association and Pacific Coast District International Longshoremen's Association No. 38,
Petitioners,
vs.
National Labor Relations Board.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

70

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Justice Stone.

National Labor Relations Board,
Petitioner,
253 vs.
International Brotherhood of Electrical Workers and International Brotherhood of Electrical Workers, Local Union 876.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Chicot County Drainage District,
Petitioner,
122 vs.
The Baxter State Bank and Mrs. Lena S. Shields.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Arkansas with direction to dismiss the complaint.

Per Mr. Chief Justice Hughes.

Postal Steamship Corporation,
Petitioner,
73 vs.
Steamship El Isleo, etc., Southern Pacific Company, Claimant.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Postal Steamship Corporation,
Petitioner,
74 vs.
Southern Pacific Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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Retail Food Clerks and Managers Union, Local No. 1357, Storage Warehouse Employees Union, Local No. 18571, et al., Petitioners,

35 vs.

Union Premier Food Stores, Inc., The Food Fair, Inc., of Penna., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed without costs to either party in this Court, since it appears that the cause has become moot; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with directions to dismiss the complaint.

Per Mr. Chief Justice Hughes.

Ralph D. Lacoe, Appellant,

564 vs.

County of San Diego.

Appeal from the District Court of Appeal of the State of California, 4th Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 4th Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Guanal., Acme & Pacific Railway Company, Appellant,

578 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

537 vs.

Lucien H. Tyng.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

537 vs.

Lucien H. Tyng.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

538 vs.

William Buchsbaum.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

538 vs.

William Buchsbaum.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Harmon Metz Waley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte E. R. Lindsey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte J. R. Palmer,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Poresky,

Petitioner,

vs.

Joseph B. Ely.

ON CONSIDERATION of the motion for a reconsideration of the application submitted herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jonathan M. Levine,

Petitioner,

509 vs.

James A. Farley, as Postmaster General of the United States, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jonathan M. Levine,

Petitioner,

509 vs.

James A. Farley, as Postmaster General of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Universal Service Association, et al.,

Petitioner,

535 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Hugh Cassel, Karl Nathan, Jacob Heller, et al., etc.,

Petitioners,

502 vs.

Radio-Keith-Orpheum Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Ernest W. Stirn,

Petitioner,

577 vs.

Atlas Corporation, et al., Proponents of Plan of Reorganization.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

The Atlantic Refining Company, Petitioner,
551 vs.
James B. Berry Sons' Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Scholarship Endowment Foundation, a Corporation, Petitioner,
546 vs.
Ralph Nicholas, as Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fritz Steinbrecher, as Trustee, Petitioner,
547 vs.
John Toman, as County Treasurer and County Collector of Cook County, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry H. Neuberger, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

548

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Anglo California National Bank of San Francisco and Herbert Fleishhacker, Petitioners, vs. Jean Lazard, Maz Lazard, Christian Lazard, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

556

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Dean Rubber Manufacturing Company and Wilbur J. Dean,

Petitioners,

565 vs.

Frank B. Killian, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Stewart Brown and Susan M. Brown, His Wife,

Petitioners,

554 vs.

M. Hampton Magruder, United States Collector of Internal Revenue for the District of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Philip Publicker,

Petitioner,

560 vs.

Thomas Shallcross, Jr., John Arthur Brown and J. Howard Reber, Receivers of Philadelphia Company for Guaranteeing Mortgages.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Great Atlantic & Pacific Tea Company,
Petitioner,
566 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard L. Merrick, Individually and as Chairman, Committee on Suppression of Unauthorized Practice of Law, Bar Association of the District of Columbia, et al.,
Petitioners,
568 vs.
American Security & Trust Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William D. Johnson,
Petitioner,
575 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William D. Johnson,
Petitioner,
576 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,
Petitioner,
249 vs.
Indemnity Insurance Company of North America;

and

Weightstill Woods, Court Trustee,
Petitioner,
250 vs.
Granada Apartments, Inc., et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Dugan,
Petitioner,
488 vs.
The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Mary Herder, et al.,

Petitioners,

494 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The following order was adopted by the Supreme Court on December 28, 1939.

ORDER.

ORDERED:

1. That the first sentence of Rule 81(a)(6) of the Rules of Civil Procedure be amended so as to read as follows:

"(6) These rules do not apply to proceedings under the Act of September 13, 1888, c. 1015, § 13 (25 Stat. 479) as amended, U. S. C., Title 8, § 282, relating to deportation of Chinese; they apply to proceedings for enforcement or review of compensation orders under the Longshoremen's and Harbor Workers' Compensation Act, Act of March 4, 1927, c. 509, §§ 18, 21 (44 Stat. 1434, 1436), U. S. C., Title 33, §§ 918, 921, except to the extent that matters of procedure are provided for in that Act".

2. *Effective Date.* That the foregoing amendment take effect on the day which is three months subsequent to the adjournment of the second regular session of the 76th Congress, but if that day is prior to September 1, 1940, then this amendment shall take effect on September 1, 1940. This amendment governs all proceedings in actions brought after it takes effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the Court its application in a particular action pending when the amendment takes effect would not be feasible or would work injustice, in which event the former procedure applies.

3. That the Chief Justice be authorized to transmit this amendment to the Attorney General with the request that he report it to the Congress at the beginning of the regular session in January, 1940.

Mr. Justice Black does not approve of the adoption of this amendment.

In the matter of

French B. Loveland.

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Return to the rule to show cause presented.

Bhagat Singh, Alias Achal Singh,
Petitioner,
196 vs.
Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals,

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,
Petitioner,
475 vs.
Berwind-White Coal Mining Company.

Argued by Mr. William C. Chanler for the Petitioner and by Mr. John W. Davis for the Respondent.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

45 vs.

Felt & Tarrant Mfg. Co.

Argued by Mr. William C. Chanler for the Petitioner and by Mr. Newton K. Fox for the Respondent.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

474 vs.

A. H. DuGrenier, Inc., et al.

Argued by Mr. William C. Chanler for the Petitioner and by Mr. John H. Jackson for the Respondents.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

44 vs.

Compagnie Generale Transatlantique.

Argued by Mr. William C. Chanler for the Petitioner and by Mr. Harold S. Deming for the Respondent.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

Argument commenced by Mr. Paxton Blair for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, JANUARY 3, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas J. Jackson, It is ordered that Joseph Russel Prager, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard H. Levinson, It is ordered that Jacob N. Wasserman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Shields, It is ordered that Fred W. Shields, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon A. Ransom, It is ordered that S. D. McGill, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Joseph D. McGoldrick, Comptroller
of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

Argument continued by Mr. Paxton Blair for the Petitioner; by Mr. Matthew S. Gibson for the Respondent; and concluded by Mr. Paxton Blair for the Petitioner.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

Argued by Mr. Robert B. Watts for the Petitioner and by Mr. Gessner T. McCorvey and Mr. C. A. L. Johnstone, Jr., for the Respondent.

Lawrence Yearsley and George
Yearsley,

Petitioners,

156 vs.

W. A. Ross Construction Company.

Argument commenced by Mr. Robert Van Pelt for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Timothy T. Ansberry, It is ordered that

John W. Morgan, Esquire, of Lynn, State of Massachusetts; and

Kent W. Hughes, Esquire, of Lima, State of Ohio;;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack K. McFall, It is ordered that Royal E. Jackson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cornelius H. Doherty, It is ordered that J. Joseph Sullivan, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen E. Rice, It is ordered that Earl Pryor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis L. Hamby, It is ordered that Harry M. Wiggins, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Byrne, It is ordered that

Archibald L. Hannum, Esquire, of Berwyn, State of Maryland; and

John Henry Young, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. O'Connor, It is ordered that Benjamin W. Moore, Esquire, of Yonkers, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lawrence Yearsley and George Yearsley,

Petitioners,

156 vs.

W. A. Ross Construction Company.

Argument continued by Mr. Clay C. Rogers for the Respondent and concluded by Mr. Robert Van Pelt for the Petitioners.

Isiah (Izell) Chambers, Jack Williamson, et al.,

Petitioners,

195 vs.

The State of Florida.

Argued by Mr. Leon A. Ransom and Mr. S. D. McGill for the Petitioners and by Mr. Tyrus A. Norwood for the Respondent.

J. Earl Morgan, Executor, etc.,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Brode B. Davis for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William D. Mitchell, It is ordered that Arnold F. Schaetzle, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard D. Daniels, It is ordered that Marion B. Plant, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. B. Saul, It is ordered that Joseph A. Lamorelle, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred L. Bennett, It is ordered that Gersh I. Moss, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick L. Pearce, It is ordered that George Paul Slade, Esquire, of Providence, State of

Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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J. Earl Morgan, Executor, etc.,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Brode B. Davis for the Petitioner and concluded by Mr. Richard H. Demuth for the Respondent.

The Real Estate-Land Title and Trust Company,

Petitioner,

229 vs.

The United States of America.

Argued by Mr. Joseph Neff Ewing for the Petitioner and by Miss Helen R. Carloss for the Respondent.

Henry J. Miller,

Petitioner,

237 vs.

Lester Shirl Hatfield, Trustee, etc., et al.

Argued by Mr. Elmer McClain for the Petitioner and by Mr. Kent W. Hughes for the Respondents.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

243 vs.

F. W. Fitch.

Argument commenced by Mr. Arnold Raum for the Petitioner and continued by Mr. William D. Mitchell and Mr. Arnold F. Schaetzle for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, JANUARY 8, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that George C. Dix, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that S. Stanley Kreutzer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. McFadden, It is ordered that

J. Robert Rubin, Esquire, of New York, State of New York; and

Earle L. Beatty, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Cullen G. Frey, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney L. Jacobs, It is ordered that Maurice A. Cohen, Esquire, of Bayonne, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Howard Wilson, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Pearl E. Deputy and the Sussex Trust Company, a Corporation of the State of Delaware, as Administratrix and Administrator of the Estate of Willard P. Deputy, Deceased, Late Collector of Internal Revenue,

Petitioners,

151 vs.

Pierre S. du Pont.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court of the United States for the District of Delaware, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York,

Petitioner,

vs.

John Thomas Smith.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

146

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court of the United States for the Southern District of New York, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

The Chief Justice announced the following order of the Court:

Philadelphia-Detroit Lines, Inc.,

Appellant,

vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of Florida.

598

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte George H. Gibson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the matter of

French B. Loveland.

—

French B. Loveland, a member of the Bar of this Court, having made return in response to the rule to show cause issued on December 4, 1939, and the costs therein mentioned having been paid, the said rule, in view of the explanation submitted in said return, is discharged.

Per Mr. Chief Justice Hughes.

Rufus Sanders,

Petitioner,

610 vs.

J. C. Aldredge, Sheriff of Fulton County, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rufus Sanders,

Petitioner,

610 vs.

J. C. Aldredge, Sheriff of Fulton County, Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas E. Murray, as Receiver, etc., et al.,

Petitioners,

552 vs.

The City of New York, et al.; and

William Roberts, Receiver, Etc.,

Petitioner,

558 vs.

Thomas E. Murray, as Receiver, etc., et al.

ON CONSIDERATION of the motion to defer consideration of the petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and consideration is deferred until March 1, 1940.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this motion.

Harry M. Veix,

Appellant,

567 vs.

Sixth Ward Building and Loan Association of Newark, New Jersey.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

William H. Osborn, Channing F. MacNeil, et al.,

Appellants,

592 vs.

Thos. W. Ozlin, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

569 vs.

United States Fidelity and Guaranty Company, J. M. Bernardin, Trustee, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

570 vs.

John C. Shaw, Administrator De Bonis Non of the Estate of Sydney C. McLouth, Deceased.

The petition herein for a writ of certiorari to the Supreme Court of the State of Michigan is granted. And it is further ordered that

the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

J. G. (Glen) Mims,
Petitioner,
550 vs.
The State of New Mexico.

On petition for writ of certiorari to the Supreme Court of the State of New Mexico.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Mexico, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Interstate Oil Company, Helen R. White, Betty B. White, et al.,
Petitioners,
557 vs.
F. B. Gormley, Receiver in Equity of the Interstate Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident and Indemnity Company,
Petitioner,
574 vs.
Petroleum Royalties Company, a Trust Estate, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Interstate Natural Gas Company, et al.,

Petitioners,

77 vs.

A. H. Stone, Commissioner of Franchise Tax, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leona Piatt Gray,

Petitioner,

365 vs.

The Union Joint Stock Land Bank of Detroit;

Carl H. Gray,

Petitioner,

366 vs.

The Union Joint Stock Land Bank of Detroit; and

Ralph Piatt,

Petitioner,

367 vs.

The Union Joint Stock Land Bank of Detroit.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Cavicchi, Doing Business as The Wade Button Co.,

Appellant,

503 vs.

Mohawk Manufacturing Co., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Antonio Criscuolo and Lucia Criscuolo,

Petitioners,

512 vs.

Matts Werner Sweins, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Dunn, Noah Dunn, and Ralph Dunn,

Petitioners,

516 vs.

Peter Micco, Hettie Micco, Guardian, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank S. Guy,

Petitioner,

517 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, January 15, until Monday, January 29, next.

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Public Service Commission of Wisconsin,

Petitioner,

614 vs.

Wisconsin Telephone Co.

Motion of the Committee on Public Utilities of National Lawyers Guild for leave to file a brief as amicus curiae submitted by Mr. Harry Booth.

Public Service Commission of Wisconsin,

Petitioner,

614 vs.

Wisconsin Telephone Co.

ON CONSIDERATION of the motion by Mr. Harry Booth for leave to file brief of the Committee on Public Utilities of National Lawyers Guild as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey, et al.

Return of the individual defendants to the rule to show cause presented.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

243 vs.

F. W. Fitch.

Argument continued by Mr. Arnold P. Schaetzle for the Respondent and concluded by Mr. Arnold Raum for the Petitioner.

Illinois Central Railroad Company,

Appellant,

222 vs.

State of Minnesota.

Argued by Mr. Charles A. Helsell for the Appellant and by Mr. John A. Weeks for the Appellee.

Elsie V. Keys, as Administratrix, etc.,

Petitioner,

242 vs.

Pennsylvania Railroad Company.

Argued by Mr. Simone N. Gazan for the Petitioner and by Mr. Ray Rood Allen for the Respondent.

John T. Kobilkin,

Petitioner,

204 vs.

Warren H. Pillsbury, Deputy Commissioner, etc., et al.

Argument commenced by Mr. Telford Taylor for the Respondent, Warren H. Pillsbury, Deputy Commissioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fred C. Gilchrist, It is ordered that John E. Mulroney, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Parse, It is ordered that David Stoneman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Pierce Butler, Jr., It is ordered that George T. Mavel, Esquire, of Le Center, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Albert F. Hillix, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin C. Blanchard, It is ordered that John Augustin Gallaher, Esquire, of Denver,

State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Robb, It is ordered that Albert E. Hallett, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Murray Hudson, Esquire, of Monroe, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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John T. Kobilkin,

Petitioner,

204 vs.

Warren H. Pillsbury, Deputy Commissioner, etc., et al.

Argument continued by Mr. Telford Taylor for Respondent, Warren H. Pillsbury, Deputy Commissioner, and concluded by Mr. M. B. Plant for Respondent, Matson Navigation Company, and case submitted by Mr. George R. Clshausen for the Petitioner.

Leave granted Petitioner to file an additional brief within ten days.

Peter J. Carpenter,

Petitioner,

230 vs.

Wabash Railway Company, et al.

Argued by Mr. Hyman G. Stein for the Petitioner and by Mr. Arthur A. Gammell for the Respondents.

United States of America, for the
use and benefit of Midland Loan
Finance Company,

Petitioner,

236 vs.

National Surety Corporation and
Patrick J. Malone.

Argument commenced by Mr. Benedict Deinard for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, JANUARY 10, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harrison Tweed, It is ordered that Christopher S. Sargent, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. J. Driscoll, It is ordered that

Claude T. Reno, Esquire, of Allentown,
State of Pennsylvania;

Harry M. Showalter, Esquire, of Lewisburg,
State of Pennsylvania; and

George W. Keitel, Esquire, of Harrisburg,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Rhoade, It is ordered that Joseph Bernard Kauffman, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Richard W. Sharpless, Esquire, of Auburn, State of

Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United States of America, for the use and benefit of Midland Loan Finance Company,

Petitioner,

236 vs.

National Surety Corporation and Patrick J. Malone.

Argument continued by Mr. George T. Havel for the Respondent, Patrick J. Malone; by Mr. Pierce Butler, Jr., for the Respondent, National Surety Corporation; and concluded by Mr. Benedict Deinard for the Petitioner.

Frederick S. Deitrick, Receiver, etc.,

Petitioner,

246 vs.

Thomas E. Greaney.

Argued by Mr. George P. Barse for the Petitioner and by Mr. David Stoneman for the Respondent.

The Bell Telephone Company of Pennsylvania,

Appellant,

252 vs.

Pennsylvania Public Utility Commission.

Argument commenced by Mr. Benjamin O. Frick for the Appellant. The Court declined to hear further argument.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Harold Leventhal, Esquire, of New York, State of New York; and

J. P. Wenchel, Esquire, of Baltimore, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Dill, It is ordered that James W. Gum, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Samuel Morris, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Dempsey, It is ordered that Benedict P. Cottone, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that Victor Rogers Taylor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that G. L. Reeves, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sumner Sigsbee Kittelle, It is ordered that Arno P. Mowitz, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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South Chicago Coal & Dock Company, et al.,

Petitioners,

262 vs.

Harry W. Bassett, Deputy Commissioner, etc.,

Argued by Mr. Robert J. Polonie for the Petitioners and by Mr. Assistant Attorney General Shea for the Respondent.

Federal Communications Commission,

Petitioner,

265 vs.

The Pottsville Broadcasting Company.

Argued by Mr. Solicitor General Jackson for the Petitioner and by Mr. Charles D. Drayton and Mr. Eliot C. Lovett for the Respondent.

J. Lawrence Fly, Norman S. Case,
et al.,

Petitioners,

316 vs.

Paul R. Heitmeyer.

Argued by Mr. Solicitor General Jackson for the Petitioners and by Mr. Clarence C. Dill for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 12, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

H. Douglas Weaver, Esquire, of Edgeley,
State of North Dakota;

George S. Elpern, Esquire, of New York,
State of New York; and

Leon Frechtel, Esquire, of Mount Vernon,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Arthur Anderson, It is ordered that Albert Louis Felberbaum, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Burton W. Musser, It is ordered that David H. Cannon, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice J. Nicoson, It is ordered that Lester Asher, Esquire, of Chicago, State of

Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin D. Detwiler, It is ordered that Harry Gladstone Isemann, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee A. Jackson, It is ordered that Edward S. Perebee, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Lynch, It is ordered that Harry E. Ratner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. K. Divers, It is ordered that Howard Lee Moltzendorff, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley Folz, It is ordered that

Sylvan H. Hirsch, Esquire, of Philadelphia, State of Pennsylvania; and

Allen J. Levin, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al.,

Appellants,

270 vs.

Lakeland Highlands Canning Co., Inc., et al.

Argument commenced by Mr. William C. Pierce for the Appellants; continued by Mr. G. L. Reeves for the Appellees; and concluded by Mr. O. K. Reaves for the Appellants.

James Stewart & Co., Inc.,

Appellant,

251 vs.

Katherine Sadrakula, as Administratrix, etc.

Argued by Mr. Clarence E. Mellen for the Appellant and by Mr. Leo Fixler for the Appellee.

Henry Russell, Lawrence Miller, et al.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al.

Argued by Mr. Ralph M. Carson for the Petitioners and by Mr. George A. Spiegelberg for the Respondents.

Leave granted Petitioner to file a reply brief within four days.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,

Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John T. Vance, Jr., It is ordered that

Earl B. Wixcey, Esquire, of Washington, District of Columbia; and

Manford Edward Nelson, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Abe Fortas, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that Marshall Alexander Wiley, Esquire, of Chippewa Falls, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Pitt Campbell, It is ordered that Joseph Scott Lafferty, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard H. Levinson, It is ordered that Theodore Harold Haas, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Cicero Wilson, It is ordered that L. Mendel Rivers, Esquire, of Charleston, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Tierney, It is ordered that

George C. Norton, Esquire, of New York, State of New York; and

John B. Wheeler, Esquire, of Hollis, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Real Estate-Land Title and Trust Company,

Petitioner,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

229

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Douglas.

Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this case.

Henry J. Miller,

Petitioner,

237 vs.

Lester Shirl Hatfield, Trustee in Farmer Debtor Bankruptcy, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

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Elsie V. Keys, as Administratrix of the Estate of Harry A. Keys, Deceased,

Petitioner,

242 vs.

Pennsylvania Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court of the United States for the Southern District of New York, in this cause, be, and the same is hereby, affirmed upon the ground that the question of assumption of risk was properly submitted to the jury.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Edward Quinn,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Wayne Waggoner,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey, et al.

The return of the individual defendants to the rule to show cause is received and ordered filed.

This cause is set for hearing on Monday, February 26 next, on the motion for leave to file the bill of complaint and the return to the rule to show cause.

Per Mr. Chief Justice Hughes.

Frank S. Connor,

Petitioner,

562 vs.

The People of the State of California, Clyde I. Plummer, et al.

IT IS ORDERED that H. Thomas Austern, Esq., of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Hughes.

Oklahoma Packing Co., formerly Wilson & Co., of Oklahoma, et al.,

Petitioners,

19 vs.

Oklahoma Gas & Electric Co., et al.

On petition for Rehearing.

The decision of the Supreme Court of Oklahoma in Community Natural Gas Co. v. Corporation Commission, 182 Okla. 137, having been brought to the attention of this Court for the first time in the petition of Respondents for a rehearing of the disposition made of this cause in the opinion delivered on December 4, 1939, that opinion is hereby withdrawn and replaced by the opinion of this day.

The petition for rehearing is denied.

Per Mr. Justice Frankfurter.

Edmond L. Viles,

Petitioner,

621 vs.

The Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

621- vs.

The Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, Denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

559 vs.

Julian Price.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board, et al.,

Petitioners,

588 vs.

Bradford Dyeing Association (U. S. A.), et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Delaware River Joint Toll Bridge Commission, Pennsylvania-New Jersey,

Petitioner,

563 vs.

John D. Colburn and Bessie Colburn.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey is granted, and the case is assigned for argument immediately following No. —, Original, Commonwealth of Pennsylvania v. State of New Jersey, et al.

The Court directs the attention of counsel to the question of the jurisdiction of this Court.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Wilton Realty Corporation and Equitable Trust Company, as Trustee,

Petitioners,

585 vs.

Paul E. Weadock, as Examiner, Securities and Exchange Commission, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Edwin L. Wiegand, and Edwin L. Wiegand Company,

Petitioners,

581 vs.

The W. Bingham Company and Cutler-Hammer, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Crane-Johnson Company, a Corporation of North Dakota,

Petitioner,

584 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ford Motor Company,

Petitioner,

17 vs.

Tom L. Beauchamp, Secretary of the State of Texas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Helis,

Petitioner,

68 vs.

Mrs. Itasca Kinney Ward, as Executrix, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Public Service Commission of Wisconsin,

Petitioner,

614 vs.

Wisconsin Telephone Company.

Motion for leave to file brief of the National Association of

Railroad and Utilities Commissioners as amicus curiae submitted by Mr. John E. Benton in that behalf.

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State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

Return to the rule to show cause presented.

The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

State of Michigan, et al.,

Complainants,

3, Original vs.

State of Illinois, et al.; and

State of New York, et al.,

Complainants,

4, Original vs.

State of Illinois, et al.

Petition of the Defendant, State of Illinois, for temporary modification of paragraph 3 of decree of April 21, 1930, presented.

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Proclamation being made the Court is adjourned until Monday, January 29, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Arcadio Y. Laperal, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that

Adele K. Saypol, of New York, (Mrs.)
State of New York; and

Irving H. Saypol, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Files, It is ordered that

J. H. Jackson, Esquire, of Shreveport,
State of Louisiana; and

R. D. Watkins, Esquire, of Minden,
State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank McGuire, It is ordered that Carl J. Burke, Esquire, of Pittston, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Perry Miller, It is ordered that Glenn N. Griswold, Esquire, of Peru, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jno. W. Carter, Jr., It is ordered that

Margaret Carter Hoyt, of Danville, State of Virginia; (Mrs.) and

Hugh T. Williams, Esquire, of Danville, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Merton Baird Tice, It is ordered that John P. McQuillen, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Ewin Youngman, It is ordered that Oscar A. Zabel, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Stanley B. Long, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul P. Myers, It is ordered that Harold Evans, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Kearns, It is ordered that Michael Joseph Bruder, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold H. Shaller, It is ordered that John D. Stedeford, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William O. Coe, It is ordered that Lynn Adams, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Kovner, It is ordered that Anthony Wayne Smith, Esquire, of Washington, District of Columia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Honorable Robert H. Jackson, of New York, presented his commission as Attorney General of the United States, and presented Honorable Francis Biddle, of Pennsylvania, Solicitor General of the United States, and it was ordered that their respective commissions be recorded; which said commissions are in the words and figures as follow, viz:

"FRANKLIN D. ROOSEVELT

President of the United States of America,

To all who shall see these presents, Greeting:

KNOW YE, that reposing special trust and confidence in the Patriotism, Integrity and Abilities of ROBERT H. JACKSON, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him ATTORNEY GENERAL, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him

the said ROBERT H. JACKSON, during the pleasure of the President of the United States, for the time being.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this eighteenth day of January, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

S E A L

FRANKLIN D. ROOSEVELT

By the President:

Cordell Hull

Secretary of State."

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"FRANKLIN D. ROOSEVELT

President of the United States of Amercia,

To all who shall see these Presents, Greeting:

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of FRANCIS BIDDLE, of Pennsylvania, I have nominated, and, by and with the advice and consent of the Senate, do appoint him SOLICITOR GENERAL, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said FRANCIS BIDDLE, during the pleasure of the President.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Done at the City of Washington this twenty-

second day of January, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

Robert H. Jackson

Attorney General."

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

243 vs.

F. W. Fitch.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Reed concurs in the result.

Dissenting: Mr. Justice McReynolds.

Illinois Central Railroad Company,

Appellant,

222 vs.

State of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

110 vs.

Mary Q. Hallock and Central United National Bank of Cleveland, Trustees.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

The Chief Justice concurs in the result.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

111 vs.

Mary Q. Hallock, Executrix, Estate of Henry Hallock, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this

cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

The Chief Justice concurs in the result.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

112 vs.

S. H. Squire, Superintendent of Banks of the State of Ohio, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

The Chief Justice concurs in the result.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Walter J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania,

Petitioner,

183 vs.

Craig Huston, Administrator d. b. n. c. t. a. of the Estate of George P. Uber, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

The Chief Justice concurs in the result.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Waldo G. Bryant and Ida Bryant, Executors of the Estate of Waldo C. Bryant, Deceased,
Petitioners,
vs.
Commissioner of Internal Revenue.

399

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

The Chief Justice concurs in the result.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Federal Communications Commission,
Petitioner,
vs.
The Pottsville Broadcasting Company.

265

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to dissolve the writ of mandamus and to dismiss respondent's petition.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds concurs in the result.

J. Lawrence Fly, Norman S. Case, T. A. M. Craven, et al., Petitioners, vs. Paul R. Heitmeyer. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

316

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to dissolve the writ of mandamus and to dismiss respondent's petition.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds concurs in the result.

John E. Madden, Jr., Executor of the Estate of John E. Madden, Deceased, Appellant, vs. Commonwealth of Kentucky, by H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

92

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged

by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Chief Justice Hughes concurs in the result upon the ground, as stated by the Court of Appeals of Kentucky, that the classification adopted by the legislature rested upon a reasonable basis.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

James Stewart & Co., Inc.,

Appellant,

251 vs.

Katherine Sadrakula, as Administratrix of the Goods, Chattels and Credits Which Were of Nicholas Sadrakula, Deceased.

ON CONSIDERATION of the motion to dismiss or affirm in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Reed.

James Stewart & Co., Inc.,

Appellant,

251 vs.

Katherine Sadrakula, as Administratrix of the Goods, Chattels and Credits Which Were of Nicholas Sadrakula, Deceased.

Appeal from the Supreme Court of The State of New York, County of Kings.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Kings, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

J. Earl Morgan, Executor of the Estate of Elizabeth S. Morgan, Deceased,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

475 vs.

Berwind-White Coal Mining Company.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of the State of New York, County of New York, for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice McReynolds and Mr. Justice Roberts join.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

45 vs.

Felt & Tarrant Mfg. Co.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of the State of New York, County of New York, for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Roberts.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

474 vs.

A. H. DuGrenier, Inc., Principal, and Stewart & McGuire, Inc., Agent.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of the State of New York, County of New York, for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Roberts.

Lawrence Yearsley and George Yearsley, Petitioners, vs. W. A. Ross Construction Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

156

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals reversing the judgment of the District Court in this cause, be, and the same is hereby, affirmed with costs, but upon the grounds stated in the opinion of this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nebraska.

Per Mr. Chief Justice Hughes.

Peter J. Carpenter, Petitioner, vs. Wabash Railway Company, Frank C. Nicodemus, Jr., Norman B. Pitcairn, Receivers, etc., et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

230

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri with directions to allow petitioner's claim in accordance with the statutory provision.

Per Mr. Chief Justice Hughes.

The Bell Telephone Company of Pennsylvania,

Appellant,

252 vs.

Pennsylvania Public Utility Commission.

Appeal from the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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John T. Kobilkin,

Petitioner,

204 vs.

Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission for the Thirteenth Compensation District, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Chief Justice Hughes.

Jagels, "A Fuel Corporation",

Appellant,

603 vs.

Frank J. Taylor, Comptroller of the City of New York.

It appearing to the Court that counsel for the respective parties have filed a stipulation to substitute Joseph D. McGoldrick, present Comptroller of the City of New York, as the appellee, successor in office of Frank J. Taylor,

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that Joseph D. McGoldrick, Comptroller of the City of New York, be substituted as the party appellee in this case, in the place and stead of Frank J. Taylor, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Jagels "A Fuel Corporation",

Appellant,

603 vs.

Joseph D. McGoldrick, Comptroller of the City of New York.

Appeal from the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Columbia Terminals Company,

Appellant,

629 vs.

A. B. Lambert, Samuel H. Liberman, Otto F. Harting, et al.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated at the cost of the appellant; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the complaint on the merits.

Per Mr. Chief Justice Hughes.

Public Service Commission of the State of Missouri,

Appellant,

630 vs.

Columbia Terminals Company.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

C. M. Cady and Theodore Cady, Doing Business Under the Name and Title of C. M. Cady & Sons,

Appellants,

622 vs.

City of Detroit, etc., et al.

Appeal from the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte J. L. Stewart,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte L. Carrizal,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois and Sanitary District of Chicago, et al.;

The State of Michigan, et al.,

Complainants,

3, Original vs.

The State of Illinois and Sanitary District of Chicago, et al.; and

The State of New York, et al.,

Complainants,

4, Original vs.

The State of Illinois and Sanitary District of Chicago, et al.

A rule is ordered to issue, returnable February 26th next, requiring the complainants to show cause why the petition for temporary modification of the decree should not be granted.

Per Mr. Chief Justice Hughes.

State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

The return to the rule to show cause is received and ordered filed.

This cause is set for hearing on Monday, February 26 next, on the motion for leave to file petition for rule to show cause and return to the rule to show cause.

Per Mr. Chief Justice Hughes.

Anna May Milar,

Petitioner,

605 vs.

Viola M. Burleigh, Executrix, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further

herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna May Milar,

Petitioner,

605 vs.

Viola M. Burleigh, Executrix of the Last Will and Testament of Wesley B. Lawrence, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Stewart,

Petitioner,

617 vs.

A. F. St. Sure, Judge, United States District Court for the Northern District of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Stewart,

Petitioner,

617 vs.

A. F. St. Sure, Judge, U. S. District Court for the Northern District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas R. Cox,

Petitioner,

649 vs.

Joseph H. Wilson, as Warden, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas R. Cox,

Petitioner,

649 vs.

Joseph H. Wilson, as Warden of Great Meadow Prison, Comstock, New York, et al.

On petition for writ of certiorari to the Washington County Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Washington County Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tradesmens National Bank of Oklahoma City,

Appellant,

596 vs.

The Oklahoma Tax Commission.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Herbert Tigner,

Appellant,

635 vs.

The State of Texas.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The People of Puerto Rico,

Petitioner,

582 vs.

Rubert Hermanos, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

587 vs.

City and County of San Francisco, a Municipal Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Kersh Lake Drainage District, etc., et al.,

Petitioners,

595 vs.

A. J. Johnson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Arkansas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Union Joint Stock Land Bank of Detroit,

Petitioner,

579 vs.

Carl Byerly.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Western Union Telegraph Company,

Petitioner,

597 vs.

Paul Nester and Juan Charles, Co-partners.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Oscar Getz, James M. Lavine, Sol Lavine, et al.,

Petitioners,

625 vs.

The Baltimore and Ohio Railroad Company, et al.

ON CONSIDERATION of the motion of the petitioners to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Oscar Getz, James M. Lavine, Sol Lavine, et al.,

Petitioners,

625 vs.

The Baltimore and Ohio Railroad Company, et al.

On petition for writ of certiorari to the District Court of the United States for the District of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the District of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Standard Oil Company of California and Henry Fairbank, et al.,

Petitioners,

604 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

Zasu Pitts Woodall,
Petitioner,
583 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Moses Williams, William Minot, Edwin D. Brooks, et al., etc.,
Petitioners,
600 vs.
Emery Bird Thayer Dry Goods Company and the Emery Bird Thayer Realty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cherokee Fuel Company,
Petitioner,
561 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin E. Geibel,
Petitioner,
590 vs.
Robert H. Scott, as Judge of the Superior Court of the State of California, in and for the County of Los Angeles.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John G. Ruhlin, Jennie B. Ruhlin, and John B. Ruhlin, et al.,
Petitioners,
601 vs.
New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stella S. Housman,
Petitioner,
602 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sarah M. McCurdy, Petitioner, vs. New York Life Insurance Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

607

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Allison & Co., Inc., et al., Petitioners, vs. Interstate Commerce Commission. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

618

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kroger Grocery & Baking Company, Petitioner, vs. Lucille Barker. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

624

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

France Manufacturing Company,
Petitioner,
626 vs.
Jefferson Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oklahoma Packing Company, Formerly Wilson & Co., Inc., etc., et al.,
Petitioners,
19 vs.
Oklahoma Gas and Electric Company, et al.

ON CONSIDERATION of the motion of petitioners for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oklahoma Packing Company, Formerly Wilson & Co., Inc., etc., et al.,
Petitioners,
19 vs.
Oklahoma Gas and Electric Company, et al.

ON CONSIDERATION of the motion of petitioners to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Graves George,

Petitioner,

456 vs.

Victor Talking Machine Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Evelyn Treinies,

Petitioner,

4 vs.

Sunshine Mining Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

V. L. LeTulle,

Petitioner,

63 vs.

Frank Scofield, United States Collector of Internal Revenue, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General American Tank Car Corporation,

Petitioner,

129 vs.

El Dorado Terminal Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

537 vs.

Lucien H. Tyng.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

538 vs.

William Buchsbaum.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Great Atlantic & Pacific
Tea Company,

Petitioner,

566 vs.

Federal Trade Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Quanah, Acme & Pacific Railway Company,

Appellant,

578 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Petitioner,

48 vs.

Honorable Patrick T. Stone,
United States District Judge; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

317 vs.

James Lee Johnson.

Motion for leave to withdraw petitions for rehearing submitted by Mr. Solicitor General Biddle for the Petitioners.

The United States of America,

Petitioner,

48 vs.

Honorable Patrick T. Stone,
United States District Judge.

ON CONSIDERATION of the motion of Mr. Solicitor General Biddle for leave to withdraw the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

317 vs.

James Lee Johnson.

ON CONSIDERATION of the motion of Mr. Solicitor General Biddle for leave to withdrew the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

J. L. Winkelman,

Petitioner,

648 vs.

Roy G. Allman.

Motion to require Petitioner to post a cost bond submitted by Mr. Roy G. Allman for the Respondent.

Metropolitan Life Insurance Company,
Petitioner,
591 vs.
Forrest Banion, as Administrator of the Estate of Sewell Stanley Combs, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case, each party to pay its or his own costs,

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed, each party to pay its or his own costs in this Court.

Per Mr. Chief Justice Hughes.

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State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,
Complainant,
-, Original vs.
Harry H. Woodring, Secretary of War of the United States.

Four hours allowed for oral argument.

Argument on the motion for leave to file bill of complaint and return to the rule to show cause commenced by Mr. Claude C. Hatchett for the Complainant; continued by Mr. Attorney General Jackson for the Defendant; and by Mr.Mac Q. Williamson for the Complainant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 30, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Scott W. Lucas, Esquire, of Havana,
State of Illinois;

James M. Slattery, Esquire, of Chicago,
State of Illinois; and

Benjamin C. Ribman, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howell Leuck, It is ordered that

Frank X. Schaut, Esquire, of Cleveland,
State of Ohio; and

Urban H. Benderman, Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard M. Elliott, It is ordered that Tremaine Kellogg Burrows, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chas. L. South, It is ordered that Scott Snodgrass, Esquire, of San Angelo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that Grant W. Kelleher, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Oklahoma, upon the relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,

Complainant,

-, Original vs.

Harry H. Woodring, Secretary of War of the United States.

Argument on the motion for leave to file bill of complaint and return to the rule to show cause concluded by Mr. Mac Q. Williamson for the Complainant.

Leave granted Complainant to file a supplemental brief by Friday next.

Lloyd N. Cobbledick, Individually and as Vice President of Cobbledick-Kibbe Glass Company, et al.,

Petitioners,

571 vs.

The United States of America;

A. H. Brawner, Individually, etc., et al.,

Petitioners,

572 vs.

The United States of America; and

Eugene Palmuth, Individually, etc., et al.,

Petitioners,

573 vs.

The United States of America.

Argued by Mr. Donald R. Richberg for the Petitioners and by Mr. Wendell Berge for the Respondent.

Paramino Lumber Company, et al.,

Appellants,

271 vs.

Wm. A. Marshall, Deputy Commissioner, etc., et al.

Argued by Mr. Stanley B. Long for the Appellants and by Mr. Oscar A. Zabel for the Appellee, John T. Clark.

J. K. Wadley, Lillian J. Porter, et al.,

Appellants,

281 vs.

State of Louisiana on the relation of John L. Munn.

Argument commenced by Mr. John B. Files for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that

Herbert S. Marks, Esquire, of Washington, District of Columbia; and

Harry A. Glovsky, Esquire, of North Adams, State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Cole, Jr., It is ordered that William Starr Vincent, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Borris M. Komar, It is ordered that David L. Sprung, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that

Francis P. Welsh, Esquire, of Newark, State of New Jersey;

Robert G. Howell, Esquire, of Bridgeton, State of New Jersey; and

Francis A. Stanger, Jr., Esquire, of Cedarville, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Marshall Littlepage, It is ordered that Oscar B. Thiel, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Berryman Green, It is ordered that William Shepherd Drewry, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. P. Dreibelbis, It is ordered that Seymour J. Quinney, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Compania General de Tabacos de Filipinas,

Petitioner,

637 vs.

Collector of Internal Revenue.

Motion for extention of time within which to file brief for Respondent submitted by Mr. Nathan R. Margold for the Respondent.

Compania General de Tabacos de Filipinas,

Petitioner,

637 vs.

Collector of Internal Revenue.

ON CONSIDERATION of the motion to extend the time within which to file brief for the respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the time be extended to February 21, next.

Per Mr. Chief Justice Hughes.

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J. K. Wadley, Lillian J. Porter, et al.,

Appellants,

281 vs.

State of Louisiana on the relation of John L. Munn.

Argument continued by Mr. Joseph H. Jackson for the Appellants.

The Court declined to hear further argument.

Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, Congress of Industrial Organizations,

Petitioner,

342 vs.

Consolidated Edison Company of New York, Inc., et al.

Argued by Mr. Louis B. Boudin for the Petitioner; by Mr. William L. Ransom for the Respondents, Consolidated Edison Co. of New York, Inc., et al.; and by Mr. Isaac Lobe Straus for the Respondents, International Brotherhood of Electrical Workers, et al.

Federal Housing Administration, Region No. 4, State Director, Raymond Foley,

Petitioner,

354 vs.

Ruth Burr, Doing business as Secretarial Service Bureau.

Argument commenced by Mr. Sidney J. Kaplan for the Petitioner and continued by Mr. Gus O. Nations for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, FEBRUARY 1, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Francis Harley Scheetz, Esquire, of Philadelphia, State of Pennsylvania; and

Charles E. Kenworthey, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Arthur R. Seelig, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund M. Brady, It is ordered that

Carney D. Matheson, Esquire, of Detroit, State of Michigan; and

George S. Dixon, Esquire, of Detroit, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Thomas P. Helmey, Esquire, of Minneapolis, State

of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Leonard G. McAneny, Esquire, of Yonkers, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mr. Attorney General Jackson addressed the Court as follows:

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"Mr. Chief Justice and Associate Justices of the Supreme Court of the United States:

The Bar of the Supreme Court, including those who here represent the executive branch of the government, desires to observe with you the one hundred fiftieth anniversary of this Court's service. We do so in a spirit of rededication to the great principles of freedom and order which come to life in your judgments.

The Court as we know it could hardly have been foreseen from its beginnings. When it first convened, no one seemed in immediate need of its appellate process, and it adjourned -- to await the perpetration of errors by lower courts. Errors were, of course, soon forthcoming. The Justices who sat upon the Bench, although not themselves aged, were older than the Court itself. The duration of an argument was then measured in days instead of hours. All questions were open ones, and neither the statesmanship of the Justices nor the imagination of the advocate was confined by the ruling case. Some philosophers have so feared the weight of tradition as to assert that happy are a people who have no history. We, however, may at least believe that there was some happiness in belonging to a bar that had little occasion to distinquish precedents or in sitting upon a Court that could not be invited to overrule itself. Few tribunals have had greater opportunity for original and constructive work, and none ever seized opportunity with more daring and wisdom.

From the very beginning the duties of the Court required it, by interpretation of the Constitution, to settle doubts which the framers themselves had been unable to solve. Luther Martin in his great plea in McCulloch v. Maryland was not only an advocate but a witness of what had been and a prophet of things to come. He said: "The whole of this subject of taxation is full of difficulties, which the Convention found it impossible to solve, in a manner entirely satisfactory." Thus, controversies so delicate that the framers would have risked their unity if an answer had been forced were bequeathed to this Court. During its early days it had the aid of counsel who expounded the Constitution from intimate and personal experience in its making. They knew that to get acceptance of its fundamental design for government many controversial details were left to be filled in from time to time by the wisdom of those who were to follow. This knowledge made them bold.

The passing of John Marshall marked the passing of that phase of the Court's experience. Thereafter the Constitution became less a living and contemporary thing -- more and more a tradition. The work of the Court became less an exposition of its text and setting and purposes and became more largely a study of what

later men had said about it. The Constitution was less resorted to for deciding cases, and cases were more resorted to for deciding about the Constitution. This was the inevitable consequence of accumulating a body of judicial experience and opinion which the legal profession would regard as precedents.

It would, I am persuaded, be a mistake to regard the work of the Court of our own time as either less important or less constructive than that of its earlier days. It is perhaps more difficult to revise an old doctrine to fit changed conditions than to write a new doctrine on a clean slate. But, as the underlying structure of society shifts, its law must be reviewed and rewritten in terms of current conditions if it is not to be a dead science.

In this sense, this age is one of founding fathers to those who follow. Of course, they will re-examine the work of this day, and some will be rejected. Time will no doubt disclose that sometimes when our generation thinks it is correcting a mistake of the past, it is really only substituting one of its own. But the greater number of your judgments become a part of the basic philosophy on which a future society will adjust its conflicts.

We who strive at your bar venture to think ourselves also in some measure consecrated to the task of administering justice. Recent opinions have reminded us that the initiative in reconsidering legal doctrine should come from an adequate challenge by counsel. Lawyers are close to the concrete consequences upon daily life of the pronouncements of this Court. It is for us to bring the cases and to present for your corrective action any wrongs and injustices that result from operation of the law.

However well the Court and its bar may discharge their tasks, the destiny of this Court is inseparably linked to the fate of our democratic system of representative government. Judicial functions, as we have evolved them, can be discharged only in that kind of society which is willing to submit its conflicts to adjudication and to subordinate power to reason. The future of the Court may depend more upon the competence of the executive and legislative branches of government to solve their problems adequately and in time than upon the merit which is its own. There seems no likelihood that the tensions and conflicts of our society are to decrease. Time increases the disparity between underlying economic and social conditions, in response to which our Federation was fashioned, and those in which it must function. Adjustment grows more urgent, more extensive, and more delicate. I see no reason to doubt that the problems of the next half century will test the wisdom and courage of this Court as severely as any half century of its existence.

In a system which makes legal questions of many matters that other nations treat as policy questions, the bench and the bar share an inescapable responsibility for fostering social and cultural attitudes which sustain a free and just government. Our jurisprudence is distinctive in that every great movement in American history has produced a leading case in this Court. Ultimately, in some form of litigation, each underlying opposition and unrest in our society finds its way to this judgment seat. Here, conflicts were reconciled or, sometimes, unhappily, intensified. In this forum will be heard the unending contentions between liberty and authority, between progress and stability, between property rights and personal rights, and between those forces defined by James Bryce as centrifugal and centripetal, and whose struggle he declared made up most of history. The judgments and opinions of this Court deeply penetrate the intellectual life of the nation. This Court is more than an arbiter of cases and controversies. It is the custodian of a culture and is the protector of a philosophy of equal rights, of civil liberty, of tolerance, and of trusteeship of political and economic power, general acceptance of which gives us a basic national unity. Without it our representative system would be impossible.

Lord Balfour made an observation about British government, equally applicable to American, and expressed a hope that we may well share, when he wrote:

> 'Our alternating Cabinets, though belonging to different parties, have never differed about the foundation of society, and it is evident that our whole political machinery presupposes a people so fundamentally at one that they can afford to bicker; and so sure of their own moderation that they are not dangerously disturbed by the never ending din of political conflict. May it always be so.'"

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Mr. Charles A. Beardsley, President of the American Bar Association, addressed the Court as follows:

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"Mr. Chief Justice and the Associate Justice of the Supreme Court of the United States:

I appreciate this opportunity, which has been accorded to me as the representative of the American Bar Association, to participate in this commemoration of the 150th anniversary of the first session of this honorable Court.

It is most fitting that this event should be commemorated. Its commemoration may well serve to recall to the minds of the American people the purposes of the founders of our National Government, and the part, in the fulfillment of those purposes, that this Court was intended to take, has taken, and will take in the years to come. And this commemoration may well serve, further, to challenge the American people to dedicate themselves anew to the fulfillment of those purposes.

In the Preamble of our Constitution, its framers recited the purposes to attain which the Constitution was to be ordained and established. In this recital, the purpose to "establish justice" is second only to the purpose "to form a more perfect union."

Daniel Webster reminds us that justice is "the ligament that holds civilized beings together," and "the greatest interest of man on earth."

To the end that they might "establish justice," to the end that they might provide "the ligament that holds civilized beings together," to the end that they might strengthen the foundation of civilization on the North American Continent, and to the end that they might serve "the greatest interest of man on earth," the framers of the Constitution provided therein for a federal judiciary, with this Court as its head, to administer "justice" under and pursuant to law.

In the words of President Washington this Court was intended to be "the keystone of our political fabric." And it was intended to be the protector of our Constitution and of the inalienable rights of a free people.

Gladstone's characterization of our Constitution, as "the most wonderful product ever struck off at a given time by the brain and purpose of man," is justified by the fact that, for 150 years,

this Court has approached as near as any human institution might well be expected to approach the fulfillment of the purpose of the framers of the Constitution, to "establish justice" for the American people.

We may properly take pride in the extent to which this Court has approached that fulfillment, realizing as we do, as Addison reminds us, that to be just "to the utmost of our abilities, is the glory of man," and that "to be perfectly just, is an attribute of the divine nature."

Not only is it permissible on this occasion for us to recall that this Court is a human institution, but it is also desirable for the American people to recall, on this occasion, that this human institution will endure, and that justice, under and pursuant to law, will be preserved for the American people, only so long as the American people, by their alertness, fidelity and sanity, cause them to be preserved and to endure.

For there are forces at work, in the world today, that are inimical to the continued fulfillment by this Court of the purpose for which it was created.

As a result of the workings of these forces, in substantial parts of the world, national temples of justice are no longer honored or worthy of honor, and international morality and law are giving ground to international immorality and anarchy. And many hundreds of millions of people are engaged in war, seeking to settle their differences, not according to justice, but by force - by the use of a means that is calculated to bring victory to the strongest, or to the most unscrupulous, of the contending peoples, wholly regardless of justice.

And, even within our own borders, there are forces at work that are inimical to the principles upon which our Government is founded, including the principle of justice under and pursuant to law.

Thus, there is a tendency, among groups of employers and employees, to use physical force as the means of settling differences, instead of being willing to use the administration of justice - the institution devised by man, when he was emerging from barbarism, as a substitute for combats, for fights and for wars - an institution that is calculated to bring victory to the contending party who has the most justice on his side, regardless of the relative physical strength of the contending parties.

Also, we have among us many people who are eternally striving to inculcate doctrines that, in other parts of the world, are producing international lawlessness, anarchy and war, doctrines that, in other parts of the world, are destroying temples of justice, and doctrines that, in other parts of the world, are depriving the people of their liberties, and of their lives.

And finally, there is an all-too-widespread inclination to disregard the fundamental principles, upon which our Government, and our Civilization, are founded, and an all-too-general disposition to ignore the historic warning that "eternal vigilance is the price of liberty."

For 150 years, the American people have honored, respected and sustained this Court, and, through the years this Court has gained for itself the gratitude and affectionate regard of the American people, because the American people have been steadfast in their devotion to the fundamental principles upon which our Government is founded, and because the American people have seen in the record of this Court the evidence of the striving by its members to be just, "to the utmost of" their "abilities."

This Court has gained, and has retained, this honor, this respect, this gratitude, and this affectionate regard, although, in the words of a nineteenth century publicist, this Court has no "palaces or treasures, no arms but truth and wisdom, and no splendor but the justice and publicity of its judgments."

On this occasion, as we commemorate the 150th anniversary of the first session of this Court, we dedicate ourselves anew, to the task of defending our Constitution, to the task of guarding our liberties, and to the task of strengthening, defending and preserving this Court, as "the keystone of our political fabric," as the protector of our Constitution, and as the guarantor of justice for the American people under and pursuant to law, not only for another 150 years, but also for all time."

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The Chief Justice said:

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"Mr. Attorney General and Mr. Beardsley:

The Court welcomes the words of appreciate you have spoken in recognition of the one hundred and fiftieth anniversary of the day appointed for the first session of this tribunal. We are highly gratified at the presence of distinguished Senators and Representatives,—the members of the Judiciary Committees of the Houses of Congress and of the Special Joint Committee appointed in relation to this occasion. We trust that what has been said echoes a sentiment cherished in the hearts of the American people. They have again and again evinced the sound instinct which leads them, regardless of any special knowledge of legal matters, to cherish as their priceless possession the judicial institutions which safeguard the reign of law as opposed to despotic will. Democracy is a most hopeful way of life, but its promise of liberty and of human betterment will be but idle words save as the ideals of justice, not only between man and man, but between government and citizen, are held supreme.

The States have the power and privilege of administering justice except in the field delegated to the Nation, and in that field there is a distinct and compelling need. The recognition of this anniversary implies the persistence, through the vicissitudes of one hundred and fifty years, of the deep and abiding conviction that amid the clashes of political policies, the martial demands of crusaders, the appeals of sincere but conflicting voices, the outbursts of passion and of the prejudices growing out of particular interests, there must be somewhere the quiet, deliberate and effective determination of an arbiter of the fundamental questions which inevitably grow out of our constitutional system and must be determined in controversies as to individual rights. It is the unique function of this Court, not to dictate policy, not to promote or oppose crusades, but to maintain the balance between States and Nation through the maintenance of the rights and duties of individuals.

But necessary as is this institution, its successful working has depended upon its integrity and the confidence thus inspired. By the method of selection, the tenure of office, the removal from the bias of political ambition, the people have sought to obtain as impartial a body as is humanly possible and to safeguard their basic interests from impairment by the partiality and the passions of politics. The ideals of the institution cannot, of course, obscure its human limitations. It does most of its work

without special public attention to particular decisions. But ever and anon arise questions which excite an intense public interest, are divisive in character, dividing the opinion of lawyers as well as laymen. However serious the division of opinion, these cases must be decided. It should occasion no surprise that there should be acute differences of opinion on difficult questions of constitutional law when in every other field of human achievement, in art, theology, and even on the highest levels of scientific research, there are expert disputants. The more weighty the question, the more serious the debate, the more likely is the opportunity for honest and expert disagreement. This is a token of vitality. It is fortunate and not regrettable that the avenues of criticism are open to all whether they denounce or praise. This is a vital part of the democratic process. The essential thing is that the independence, the fearlessness, the impartial thought and conscientious motive of those who decide should both exist and be recognized. And at the end of 150 years, this tribunal still stands as an embodiment of the ideal of the independence of the judicial function in this, the highest and most important sphere of its exercise.

We cannot recognize fittingly this anniversary without recalling the services of the men who have preceded us and whose work has made possible such repute as this institution enjoys. This tribunal works in a highly concrete fashion. The traditions it holds have been wrought out through the years at the conference table and in the earnest study and discussions of men constantly alive to a supreme obligation. We do not write on a blank sheet. The Court has its jurisprudence, the helpful repository of the deliberate and expressed convictions of generations of sincere minds addressing themselves to exposition and decision, not with the freedom of casual critics or even of studious commentators, but under the pressure and within the limits of a definite official responsibility.

To one who over twenty-nine years ago first took his seat upon this Bench, this day is full of memories of associations with those no longer with us, who wrought with strength and high purpose according to the light that was given them, in complete absorption in their judicial duty. We pay our tribute to these men of the more recent period as we recognize our indebtedness to their eminent predecessors. We venerate their example. Reflection upon their lives brings emphasis to the thought that even with the tenure of the judicial office, the service of individuals however important in their day soon yields to the service of others who must meet new problems and carry on in their own strength.

The generations come and go but the institutions of our Government have survived. This institution survives as essential to the perpetuation of our constitutional form of government,— a system responsive to the needs of a people who seek to maintain the advantages of local government over local concerns and at the same time the necessary national authority over national concerns, and to make sure that the fundamental guarantees with respect to life, liberty and property, and of freedom of speech, press, assembly and religion shall be held inviolate. The fathers deemed that system of government well devised to secure the blessings of liberty to themselves and their posterity. Whether that system shall continue does not rest with this Court but with the people who have created that system. As Chief Justice Marshall said: "The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will." It is our responsibility to see that their will as expressed in their Constitution shall be faithfully executed in the determination of their controversies.

And deeply conscious of that responsibility, in the spirit and with the loyalty of those who have preceded us, we now rededicate ourselves to our task."

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Joseph F. Loehr, Mayor, et al.,

Petitioners,

543 vs.

Walter F. Downey, Receiver, etc.; and

Joseph F. Loehr, Mayor, et al.,

Petitioners,

544 vs.

Walter F. Downey, Receiver, etc.

Motion to substitute parties petitioners submitted by Mr. George P. Barse on behalf of counsel for the Petitioners.

Joseph F. Loehr, Mayor, James J. Hushion, Comptroller, and Dennis M. Morrissey, Commissioner of Public Safety of the City of Yonkers,

Petitioners,

543 vs.

Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation; and

Joseph F. Loehr, Mayor, James J. Hushion, Comptroller and Dennis M. Morrissey, Commissioner of Public Safety of the City of Yonkers,

Petitioners,

544 vs.

Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

ON CONSIDERATION of the motion to substitute John J. Condon, Mayor, Gustav W. Klein, Jr., First Deputy and Acting Comptroller, and Raymond J. Whitney, City Manager, etc., successors in office to Joseph F. Loehr, Mayor, James J. Hushion, Comptroller, and Dennis M. Morrissey, Commissioner of Public Safety, respectively as the petitioners in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cases be so continued and maintained.

Per Mr. Chief Justice Hughes.

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Federal Housing Administration, Region No. 4, State Director, Raymond Foley,

Petitioner,

354 vs.

Ruth Burr, Doing Business as Secretarial Service Bureau.

Argument continued by Mr. Gus O. Nations for the Respondent and concluded by Mr. Sidney J. Kaplan for the Petitioner.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

Motion to substitute a party respondent submitted by Mr. Edward J. Ennis in that behalf.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

ON CONSIDERATION of the motion to substitute Boris Hoppe, as executor under the last will and testament of Olga I. Hoppe, as a party respondent in this case in the place and stead of Olga I. Hoppe, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

Three hours and one-half allowed for oral argument.

Argument commenced by Mr. Edward J. Ennis for the Petitioner; continued by Mr. Paul C. Whipp for the Respondent, Lucke, Surviving Director of Moscow Fire Ins. Co. and Conservator; and by Mr. Borris M. Komar for the Respondents Morro, et al., stockholders of the Moscoe Fire Ins. Co.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 2, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Bernard J. Ackerman, Esquire, of Rockville, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Helen E. Cottrell, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that George M. Wolfson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Theodore Hardeen, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

Argument continued by Mr. Osmond K. Fraenkel for the Respondents, Kentman, et al.; by Mr. Hartwell Cabell for the Respondents, Heckscher, et al.; by Mr. Walter H. Pollak for the Respondents, Zahle, et al.; and concluded by Mr. Edward J. Ennis for the Petitioner; and case submitted by Mr. Samson Selig for the Respondents, Sawyer, et al.; and by Mr. Thomas Kiernan for the Respondent Boris Hoppe, as Executor, etc.

Leave granted petitioner to file an additional brief by Thursday next.

Montrose Cemetery Company,

Petitioner,

370 vs.

Commissioner of Internal Revenue.

Argued by Mr. Elden McFarland for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary, etc., et al.

Argument commenced by Mr. Sterling G. McNees for the Appellants; continued by Mr. George W. Keitel for the Appellees; and concluded by Mr. Edmund M. Brady for the Appellants.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that

Edward J. Hayes, Esquire, of Detroit, State of Michigan; and

Ben Chapoton Hughes, Esquire, of Detroit, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester S. Wilson, It is ordered that Kent C. van den Berg, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Ray, Jr., It is ordered that

Charles C. Stanley, Esquire, of San Marino, State of California; and

Hubert T. Morrow, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that John H. Pursel, Esquire, of Phillipsburg, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin H. Saunders, It is ordered that Ernest D. Hurd, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent M. Brennan, It is ordered that Lula E. Bachman, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Harold Leventhal, It is ordered that Julian H. Levi, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that Charles J. Vogel, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that

Herbert Henry Thomas, Esquire, of Madison, State of Wisconsin; and

Hiram E. Wooster, Esquire, of Walden, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Challen B. Ellis, It is ordered that O. R. McGuire, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that G. Mennen Williams, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The President, by and with the advice and consent of the Senate, has appointed Frank Murphy, of Michigan, recently Attorney General of the United States, to be Associate Justice of this Court. Mr. Murphy is present. The Clerk will read his commission. Mr. Murphy will then take the oath and the Marshal will escort him to his seat upon the bench."

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The Clerk then read the commission, as follows:

"FRANKLIN D. ROOSEVELT,
President of the United States of America,

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of FRANK MURPHY, of Michigan, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Frank Murphy, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice

Done at the City of Washington this eighteenth day of January, in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT.

By the President:

Robert H. Jackson

Acting Attorney General."

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The oath of office was then administered by the Clerk, and Mr. Justice Murphy was escorted by the Marshal to his seat upon the bench.

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Said oaths being in the words and figures, as follow, viz:

"SUPREME COURT OF THE UNITED STATES

October Term, 1939.

I, FRANK MURPHY, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

FRANK MURPHY

Subscribed and sworn to before me this eighteenth day of January, A. D. 1940.

"SUPREME COURT OF THE UNITED STATES

October Term, 1939.

I, FRANK MURPHY, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

FRANK MURPHY

S E A L

Supreme Court of the
United States

Subscribed and sworn to before
me this fifth - - - - day of
February, A. D. 1940.

CHARLES ELMORE CROPLEY

Clerk of the Supreme Court of the United States."

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United States of America for the Use and Benefit of Midland Loan Finance Company,

Petitioner,

vs.

National Surety Corporation and Patrick J. Malone.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota.

Per Mr. Justice Reed.

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The Chief Justice announced the following orders of the Court:

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J. K. Wadley, Lillian J. Porter and Margaret Porter, et al.,

Appellants,

281 vs.

State of Louisiana on the Relation of John L. Munn.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Montrose Cemetery Company,

Petitioner,

370 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Public Service Commission of Wisconsin,

Petitioner,

614 vs.

Wisconsin Telephone Company.

ON CONSIDERATION of the motion of the National Association of Railroad and Utilities Commissioners for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Public Service Commission of Wisconsin,

Petitioner,

614 vs.

Wisconsin Telephone Company.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied upon the ground that the Court is unable to find that the decision of the highest court of the State did not rest upon an adequate non-federal ground.

Per Mr. Chief Justice Hughes.

Ex parte Warren Elwood,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Kenneth Gerard,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Samuel White,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lottie Stewart and James Stewart,

Petitioners,

628 vs.

Capital Transit Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lottie Stewart and James Stewart,
Petitioners,
628 vs.
Capital Transit Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Hartzell West,
Petitioner,
661 vs.
State of Washington and Superintendent of the Washington State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Hartzell West,
Petitioner,
661 vs.
State of Washington and Superintendent of the Washington State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

670 vs.

W. J. Chronister, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

670 vs.

W. J. Chronister, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Parker,

Petitioner,

631 vs.

American Society of Mechanical Engineers.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Parker,

Petitioner,

631 vs.

American Society of Mechanical Engineers.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rebecca Shelley,

Petitioner,

639 vs.

Andrew Jordan, Assistant/Director of Naturalization and Immigration.

District

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rebecca Shelley,

Petitioner,

639 vs.

Andrew Jordan, Assistant/Director of Naturalization and Immigration.

District

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied upon the ground that the application for a writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

J. L. Winkelman,

Petitioner,

648 vs.

Roy G. Allman.

ON CONSIDERATION of the motion of the Respondent to require the Petitioner to post a cost bond in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the United States Circuit Court of Appeals for the Ninth Circuit.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment entered January 15, 1940, is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, February 26, next.

Per Mr. Chief Justice Hughes.

Francis Perkins, Individually and as Secretary of Labor of the United States, et al.,

Petitioners,

593 vs.

Lukens Steel Company, Alan Wood Steel Company, South Chester Tube Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

613 vs.

George S. Bush & Co., Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the U. S. Court of Customs and Patent Appeals is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

426 vs.

Stephen J. Leonard.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

427 vs.

Alfred C. Fuller.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

C. W. Blakeslee & Sons, Inc., et al.,

Petitioners,

589 vs.

The United States.

ON CONSIDERATION of the motion to remand this case to the Court of Claims for certification of evidence,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. W. Blakeslee & Sons, Inc., and Blakeslee-Rollins Corporation,

Petitioners,

589 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Federation of Labor, John Fitzpatrick, Chicago Federation of Labor, et al.,

Petitioners,

615 vs.

Ross W. Swing, Irene Boivin, Nan Chapman, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Sanford Corporation,

Petitioner,

599 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

(Dr.) Royal Lee, Trading as Vitamin Products Company,

Petitioner,

606 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert E. Cohen, Trading as Stewart's Jewelry Shop,

Petitioner,

609 vs.

Globe Indemnity Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Luziers', Inc.,

Petitioner,

611 vs.

Dan M. Nee, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florence N. Lewis,

Petitioner,

612 vs.

Vendome Bags, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin A. Severson,
Petitioner,
616 vs.
Hanford Tri-State Airlines, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Hardoncourt,
Petitioner,
619 vs.
Irene J. Hardoncourt (Also Known as Irene J. Roberts and Joan Hardoncourt), etc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Port of Seattle,
Petitioner,
623 vs.
Fidelity and Deposit Company of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman Williams,

Petitioner,

586 vs.

J. C. Aldredge, Sheriff of Fulton County, Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Caroline A. Dunham,

Petitioner,

594 vs.

Omaha and Council Bluffs Street Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. G. (Glen) Mims,

Petitioner,

550 vs.

The State of New Mexico.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Interstate Oil Company, Helen R. White, et al.,

Petitioners,

557 vs.

F. B. Gormley, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest W. Stirn,

Petitioner,

577 vs.

Atlas Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Philadelphia-Detroit Lines, Inc.,

Appellant,

598 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, February 12, next, until Monday, February 26.

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J. L. Winkelman,

Petitioner,

648 vs.

Roy G. Allman.

Motion for extension of time within which to file brief for Respondent submitted by Mr. Roy G. Allman.

J. L. Winkelman,

Petitioner,

648 vs.

Roy G. Allman.

ON CONSIDERATION of the motion to extend the time within which to file brief on behalf of the Respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended fifteen days from this date.

Per Mr. Chief Justice Hughes.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

383 vs.

George B. Clifford, Jr.

Argued by Mr. Warner W. Gardner for the Petitioner and by Mr. Thomas P. Helmey for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

384 vs.

Meredith Wood.

Argued by Mr. Warner W. Gardner for the Petitioner and by Mr.

George M. Wolfson and Mr. Dean G. Acheson for the Respondent.

The United States of America,

Petitioner,

346 vs.

Socony-Vacuum Oil Company, Inc., et al.;

and

Socony-Vacuum Oil Company, Inc., et al.,

Petitioner,

347 vs.

The United States of America.

Four hours allowed for oral argument.

Argument commenced by Mr. John Henry Lewin for the United States.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that Nelson A. Sharfman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Burnham Yung-Kwai, It is ordered that Edward M. Miles, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Daniel H. Howell, Esquire, of Van Buren, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Freer, It is ordered that Samuel G. Clawson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Angus Roy Shannon, It is ordered that McKenzie Shannon, Esquire, of Chicago, State of

Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that Leon A. Grapes, Esquire, of Davenport, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

346 vs.

Socony-Vacuum Oil Company, Inc., et al.;

and

Socony-Vacuum Oil Company, Inc., et al.,

Petitioner,

347 vs.

The United States of America.

Argument continued by Mr. John Henry Lewin for the United States; by Mr. William J. Donovan for Socony-Vacuum Oil Company, Inc., et al.; by Mr. Assistant Attorney General Arnold for the United States; and concluded by Mr. John Henry Lewin for the United States.

The Dickinson Industrial Site, Inc., a Corporation, etc.,

Petitioner,

386 vs.

Percy Cowan, et al.

Argument commenced by Mr. Benjamin Wham for the Petitioner; continued by Mr. Julian M. Levi for the Respondents; and concluded by Mr. Walter A. Wade for the Petitioner.

State of Minnesota ex rel. Charles Edwin Pearson,

Appellant,

394 vs.

Probate Court of Ramsey County, Minnesota, et al.

Argument commenced by Mr. Joseph F. Cowern for the Appellant.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Harold St. L. O'Dougherty, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that

Alonzo E. Yont, Esquire, of Boston, State of Massachusetts;

Laurence D. Yont, Esquire, of Boston, State of Massachusetts;

Joseph Wentworth, Esquire, of Boston, State of Massachusetts; and

John M. Hall, Esquire, of Boston, State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Crane-Johnson Company, a Corporation
of North Dakota,

Petitioner,

584 vs.

Commissioner of Internal Revenue.

Motion to extend time for filing petition for rehearing submitted by Mr. William J. Cogger on behalf of counsel for the Petitioner.

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State of Minnesota ex rel. Charles
Edwin Pearson,

Appellant,

394 vs.

Probate Court of Ramsey County,
Minnesota, et al.

Argument continued by Mr. Joseph W. Cowern for the Appellant; by Mr. Chester S. Wilson and Mr. Kent C. van den Berg for the Appellees; and concluded by Mr. Joseph W. Cowern for the Appellant.

National Licorice Company,

Petitioner,

272 vs.

National Labor Relations Board.

Argued by Mr. Abraham Mann for the Petitioner and by Mr. Robert B. Watts for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

419 vs.

John Kehoe.

Argument commenced by Mr. John Philip Wenchel for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry P. Ashurst, It is ordered that Gerald Jones, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank E. Hook, It is ordered that Milmer Gellein, Esquire, of Detroit, State of Michigan be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin W. Moore, It is ordered that Milton L. Romm, Esquire, of Yonkers, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Shepherd Drewry, It is ordered that Charles Bernard Godwin, Jr., Esquire, of Suffolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mills Mitchin, It is ordered that Erle Pettus, Jr., Esquire, of Birmingham, State of

Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Kramer, It is ordered that Martin C. Colvin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Dunn, It is ordered that Stewart Maurice, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Simon Fleishman, It is ordered that Howard M. Sheppe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that

Harry Clifton Ames, Esquire, of Washington, District of Columbia; and

Wilmer A. Hill, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

419 vs.

John Kehoe.

Argument continued by Mr. John Philip Wenchel for the Petitioner and concluded by Mr. Robert T. McCracken for the Respondent.

John J. McCabe,

Petitioner,

437 vs.

Boston Terminal Company.

Argued by Mr. Laurence D. Yont for the Petitioner and by Mr. Joseph Wentworth and Mr. John M. Hall for the Respondent.

The H. Rouw Company,

Petitioner,

459 vs.

Frank J. Crivella.

Submitted by Mr. William A. Curtis and Mr. Daniel H. Howell for the Petitioner and by Mr. Harry P. Daily and Mr. John P. Woods for the Respondent.

Germantown Trust Company, Trustee, etc.,

Petitioner,

462 vs.

Commissioner of Internal Revenue.

Argued by Mr. Harold Evans for the Petitioner and by Mr. L. Louis Monarch for the Respondent.

Edward Sheldon and Margaret Ayer Barnes,

Petitioners,

482 vs.

Metro-Goldwyn Pictures Corporation, et al.

Argument commenced by Mr. Arthur F. Driscoll for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Dillard Estes, Esquire, of Dallas, State of Texas; and

William A. Lloyd, Esquire, of Austin, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that

Joe W. Whitten, Esquire, of Oklahoma City, State of Oklahoma;

Richard B. McDermott, Esquire, of Tulsa, State of Oklahoma; and

Roy M. Huff, Esquire, of Tulsa, State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Joseph C. Thomason, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of

this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Watts T. Estabrook, It is ordered that Donald B. Waite, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that

Irving Goodman, Esquire, of Chicago, State of Illinois; and

Charles H. Watson, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent dePaul McDevitt, It is ordered that Francis F. Burch, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene O. Sykes, It is ordered that Clarence D. Brewer, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Standard Oil Company of California, et al.,

Petitioners,

604 vs.

The United States of America.

Motion to extend the time within which to file petition for rehearing submitted by Mr. Seth W. Richardson for the Petitioners.

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Edward Sheldon and Margaret Ayer Barnes,

Petitioners,

482 vs.

Metro-Goldwyn Pictures Corporation, et al.

Argument continued by Mr. Arthur F. Driscoll for the Petitioners and concluded by Mr. John W. Davis for the Respondents.

Federal Communications Commission,

Petitioner,

499 vs.

Sanders Brothers Radio Station.

Argued by Mr. William J. Dempsey for the Petitioner and by Mr. Louis G. Caldwell for the Respondent. Leave granted Petitioner to file a Reply brief by Tuesday next.

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Proclamation being made the Court is adjourned until Monday, February 12, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Clyce W. Aston, Esquire, of Sherman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Donald H. McLean, Jr., Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Edward Gillett Knowles, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Harry Brownstein, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C.

Donnally, It is ordered that Harry Cassman, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. White, It is ordered that Alvin O. King, Esquire, of Lake Charles, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oswald Ryan, It is ordered that John E. Scott, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Paul D. McGarry, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl Sherman, It is ordered that Jacquin Frank, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Connor, It is ordered that James F. Sullivan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Paul Jones, It is ordered that John E. Teate, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Housing Administration, Region No. 4, State Director Raymond Foley,

Petitioner,

vs.

Ruth Burr, Doing Business as Secretarial Service Bureau.

On writ of certiorari to the Supreme Court of the State of Michigan.

354

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Mr. Justice Murphy did not participate in the consideration or decision of this case.

National Labor Relations Board,

Petitioner,

vs.

Waterman Steamship Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

193

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enforce the order of the National Labor Relations Board in its entirety.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Isiah (Izell) Chambers, Jack Williamson, Charlie Davis and Walter Woodward (Woodard),

Petitioners,

195 vs.

The State of Florida.

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Frederick S. Deitrick, Receiver of the Boston-Continental National Bank,

Petitioner,

246 vs.

Thomas E. Greaney.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas,

Appellant,

vs.

Dixie Greyhound Lines, Inc.

Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

138

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Arkansas.

Per Mr. Justice McReynolds.

Concurring opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

Dissenting opinion by Mr. Justice Black, Mr. Justice Frankfurter, and Mr. Justice Douglas.

Mr. Justice Murphy took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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State of Oklahoma, Upon the Relation of Mac Q. Williamson, Attorney General of the State of Oklahoma, etc.,

Complainant,

vs.

Harry H. Woodring, Secretary of War of the United States.

On motion for leave to file Bill of Complaint.

-, Original

THIS CAUSE came on to be heard on the motion for leave to file the bill of complaint herein and on the return to the rule to show cause, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file the bill of complaint herein be, and the same is hereby, denied by an equally divided Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

The United States of America,
Petitioner,
355 vs.
Moscow Fire Insurance Company, etc., et al.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed by an equally divided Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone, Mr. Justice Reed, and Mr. Justice Murphy took no part in the consideration or decision of this cause.

John J. McCabe,
Petitioner,
437 vs.
Boston Terminal Company.

On writ of certiorari to the Superior Court in and for the County of Suffolk, Commonwealth of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court in and for the County of Suffolk, Commonwealth of Massachusetts, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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ORDER OF ALLOTMENT OF JUSTICES.

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice.
For the Second Circuit,	Harlan F. Stone,	Associate Justice.
For the Third Circuit,	Owen J. Roberts,	Associate Justice.
For the Fourth Circuit,	Charles Evans Hughes,	Chief Justice.
For the Fifth Circuit,	Hugo L. Black,	Associate Justice.
For the Sixth Circuit,	James C. McReynolds,	Associate Justice.
For the Seventh Circuit,	Frank Murphy,	Associate Justice.
For the Eighth Circuit,	Stanley Reed,	Associate Justice.
For the Ninth Circuit,	William O. Douglas,	Associate Justice.
For the Tenth Circuit,	Stanley Reed,	Associate Justice.
For the District of Columbia,	Charles Evans Hughes,	Chief Justice.

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Ex parte John Brown,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred A. Maurer and Marcus W. Myers,
Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary of
Revenue, etc., et al.

IT IS ORDERED that this case be restored to the docket for re-argument and the case is assigned for reargument on Monday, February 26, next.

Per Mr. Chief Justice Hughes.

Standard Oil Company of California
and Henry Fairbank, et al.,

Petitioners,

604 vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to March 4, next.

Per Mr. Chief Justice Hughes.

Joseph Murphy,

Petitioner,

685 vs.

Warden of Clinton State Prison
at Dannemora, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Murphy,

Petitioner,

685 vs.

Warden of Clinton State Prison at Dannemora, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edwin Haden,

Petitioner,

689 vs.

Alfred F. Dowd, as Warden of the Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edwin Haden,

Petitioner,

689 vs.

Alfred F. Dowd, as Warden of the Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to file the statement opposing jurisdiction and motion to dismiss herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

The statement of jurisdiction in this cause having been submitted and considered by the Court, probable jurisdiction is noted. The case is assigned for argument immediately following No. 514.

Per Mr. Chief Justice Hughes.

Century Distilling Company,

Petitioner,

608 vs.

Continental Distilling Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Neal Crowley, as Receiver of the Merritt Development Company,

Petitioner,

620 vs.

Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman L. Baker,

Petitioner,

627 vs.

State of Wisconsin.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. W. Evans, et al.,

Petitioners,

636 vs.

Alvanley Johnston, et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Donald McGregor, as Receiver of New Jersey Suburban Water Company,

Petitioner,

640 vs.

Board of Public Utility Commissioners, the Town of Harrison and East Newark Realty Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry E. Peters,

Petitioner,

647 vs.

Mutual Life Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Hancock Mutual Life Insurance Company,

Petitioner,

673 vs.

Rebecca Lampert.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicot County Drainage District,

Petitioner,

122 vs.

The Baxter State Bank, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rufus Sanders,

Petitioner,

610 vs.

J. C. Aldredge, Sheriff of Fulton County, Georgia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

621 vs.

The Prudential Insurance Company of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Appellant,

476 vs.

Northern Pacific Railway Company, et al.; and

Northern Pacific Railway Company, et al.,

Appellants,

477 vs.

The United States of America.

Motion of Minority Stockholders of Northern Pacific Railroad Company for leave to appear and present oral argument submitted by Mr. Raymond M. Hudson in that behalf.

Ex parte Edmond C. Fletcher,

Petitioner.

-, Original.

Motion for leave to file petition for writ of mandamus presented.

Ex parte Ira J. McCullough,

Petitioner.

-, Original.

Motion for leave to file petition presented.

Ex parte Wallace S. Bransford,
County Treasurer,

Petitioner.

-, Original.

Motion for leave to file petition for writ of mandamus presented.

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Proclamation being made the Court is adjourned until Monday, February 26, next, at 12 o'clock.

MONDAY, FEBRUARY 26, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that William C. Erbecker, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Ewing T. Kerr, Esquire, of Cheyenne, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Hyman Isaac, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that William Lamar Rose, Esquire, of Punta Gorda, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Crawford, It is ordered that

Readie P. Ashurst, of Atlanta, (Mrs.)
State of Georgia; and

Lucile Shealy Cotton, of Atlanta, (Mrs.)
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ezra Brainerd, Jr., It is ordered that Julian B. Fite, Esquire, of Muskogee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. K. Cushing, It is ordered that Everett S. Layman, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that

Louis A. Lowenstein, Esquire, of Danville,
State of Illinois; and

Riley McClain, Esquire, of Paris,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Byron G. Rogers, It is ordered that

Clifford H. Stone, Esquire, of Gunnison,
State of Colorado;

Fancher Sarchet, Esquire, of Fort Collins,
State of Colorado; and

Robert G. Smith, Esquire, of Greeley,
State of Colorado;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Fannie M. Boyls, It is ordered that Bernard W. Freund, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Laughlin, It is ordered that Alfred W. Kiefer, Esquire, of Hackensack, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Cobb, It is ordered that Tenola E. Graves, Esquire, of Michigan City, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that George F. Millinger, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Butler, It is ordered that Abraham I. Markavy, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David W. Robinson, Jr., It is ordered that James E. Leppard, Esquire, of Chesterfield, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Thomas E. Harris, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

383 vs.

George B. Clifford, Jr.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that of the Board of Tax Appeals affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds joins.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

384 vs.

Meredith Wood.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts concurs in the result.

Abe Fischer,

Petitioner,

239 vs.

Pauline Oil & Gas Company.

On writ of certiorari to the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Germantown Trust Company, Trustee of the Germantown Trust Company Bond Investment Fund,

Petitioner,

462 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Nathan Mayo, as Commissioner of Agriculture of the State of Florida, et al.,

Appellants,

270 vs.

Lakeland Highlands Canning Co., Inc., The Polk Company and Roberts Brothers, Inc., et al.

Appeal from the District Court of the United States for the Southern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with instructions that, if the motion for interlocutory injunction is pressed, the parties, if they desire it, may be afforded a further hearing, and any action taken by the Court shall be upon findings of fact and conclusions founded upon the evidence, in accordance with Rule 52(a) of the Rules of Civil Procedure.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black and Mr. Justice Douglas join.

Henry Russell, Lawrence Miller, Charles Steers and John P. Wing, Co-partners, etc.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work and Willard C. Weiss, Co-partners, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Dissenting: Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

419 vs.

John Kehoe.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the order of the Board of Tax Appeals affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

South Chicago Coal & Dock Company and London Guarantee & Accident Company, Ltd.,

Petitioners,

262 vs.

Harry W. Bassett, Deputy Commissioner, United States Employees' Compensation Commission, 10th Compensation District.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this case.

Amalgamated Utility Workers, Affiliated with Utility Workers Organizing Committee, Congress of Industrial Organizations,

Petitioner,

342 vs.

Consolidated Edison Company of New York, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Circuit Court of Appeals denying petitioner's motion for a contempt order in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this case.

State of Minnesota ex rel. Charles Edwin Pearson,

Appellant,

394 vs.

Probate Court of Ramsey County, Minnesota, and Hon. Michael P. Kinkead, Judge of said Court of Ramsey County.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Lloyd N. Cobbledick, Individually and as Vice-President of Cobbledick-Kibbe Glass Company, et al.,

Petitioners,

571 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy did not participate in the consideration or decision of this case.

A. M. Brawner, Individually and as Officer and Director of W. P. Fuller & Co., et al.,

Petitioners,

572 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy did not participate in the consideration or decision of this case.

Eugene Palmuth, Individually and as President of Crowe Glass Company, et al.,

Petitioners,

573 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy did not participate in the consideration or decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Charles E. Phillips,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Clarence M. Brummett,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Wallace S. Bransford,
as County Treasurer of Pima
County, Arizona,

Petitioner.

—, Original.

A rule is ordered to issue, returnable Monday, March 18th, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte Ira J. McCullough, Otis
J. McCullough, and Ray Andrade,
Doing Business Under the Firm Name
and Style of McCullough Tool Co.,

Petitioners.

—, Original.

A rule is ordered to issue, returnable Monday, March 18th, next, requiring the respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte Edmond C. Fletcher,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte R. L. Scott,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte H. L. Scott,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

476 vs.

Northern Pacific Railway Company, et al.; and

Northern Pacific Railway Company, et al.,

Appellants,

477 vs.

The United States of America.

ON CONSIDERATION of the motion of the Minority Stockholders of the Northern Pacific Railroad Company for leave to appear and present oral argument in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred L. Sova,

Petitioner,

656 vs.

W-R Company (formerly Wilcox-Rich Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred L. Sova,

Petitioner,

656 vs.

W-R Company (formerly Wilcox-Rich Corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank McKee,

Petitioner,

677 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank McKee,

Petitioner,

677 vs.

James A. Johnston, Warden United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Bostic,

Petitioner,

686 vs.

Thomas M. Rives, Superintendent of the Washington Asylum and Jail.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Bostic,

Petitioner,

686 vs.

Thomas M. Rives, Superintendent of the Washington Asylum and Jail.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Edmond C. Fletcher,

Petitioner.

709

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Edmond C. Fletcher,

Petitioner.

709

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Earl Morgan, Executor, etc.,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

The opinion is amended by striking from the first line of the second full paragraph on page 2 the words "it is conceded that", and by striking from the first line of the fourth full paragraph on page 3 the words "it is conceded that".

Per Mr. Chief Justice Hughes.

J. Earl Morgan, Executor, etc.,

Petitioner,

210 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jesse Cantwell, Newton Cantwell and Russell Cantwell,

Appellants,

632 vs.

The State of Connecticut.

Appeal from the Supreme Court of Errors of the State of Connecticut.

With respect to the appeal of all Appellants from the judgment of the Supreme Court affirming the judgment of conviction on the third court of the information, probable jurisdiction is noted. The appeal of Jesse Cantwell from the judgment of the Supreme Court affirming the judgment of conviction on the fifth court is dismissed for want of jurisdiction. Section 237(a), Judicial Code, as amended by the Act of February 13, 1925 (43 State. 936, 937). Treating the papers whereon that appeal was allowed as a petition for writ of certiorari as required by Section 237(c) of the Judicial Code (43 Stat. 936, 938), certiorari is granted.

Per Mr. Chief Justice Hughes.

The Colorado National Bank of Denver,

Appellant,

719 vs.

Homer F. Bedford, as Treasurer of the State of Colorado.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Apex Hosiery Company,

Petitioner,

638 vs.

William Leader and American Federation of Full Fashioned Hosiery Workers, Philadelphia, Branch No. 1, Local No. 706.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Dampskibsselskabet Dannebrog, Claimant of the Motorship "Stjeneborg", et al.,

Petitioners,

662 vs.

Signal Oil and Gas Company of California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Martin T. Manton,

Petitioner,

645 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Murphy took no part in the consideration and decision of this application.

George M. Spector,

Petitioner,

646 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Murphy took no part in the consideration and decision of this application.

Carolina, Clinchfield and Ohio Railway,

Petitioner,

658 vs.

Sarah Good Hosiery Mills, Inc.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Shakespeare Company,

Petitioner,

633 vs.

The Enterprise Manufacturing Company and Bronson Reel Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carnegie-Illinois Steel Corporation and United States Steel Corporation,

Petitioners,

641 vs.

Cold Metal Process Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carnegie-Illinois Steel Corporation and United States Steel Corporation,

Petitioners,

642 vs.

Cold Metal Process Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Biscuit Company,

Petitioner,

644 vs.

John Seymour, Walter Seymour and Walter Seymour, Executor of the Estate of Ida L. Seymour, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catharine D. Sharpe,
Petitioner,
657 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florida Blue Ridge Corporation,
Petitioner,
659 vs.
Tennessee Electric Power Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elizabeth B. Clum,
Petitioner,
663 vs.
Guardian Life Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jack Hasenberg,

Petitioner,

665 vs.

New York Creditmen's Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Municipal Council of San Rafael and the Municipal Council of San Ildefonso, Both of the Province of Bulacan,

Petitioners,

580 vs.

Hospital De San Juan De Dios.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George A. Bates,

Petitioner,

660 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. L. Cantley, Receiver of the St. Louis Joint Stock Land Bank of St. Louis,

Petitioner,

666 vs.

Ernest E. Andrews, Catherina Diepenbrock and Zella Katie Warlick.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlantic Greyhound Corporation, Herman Perkins McCune and Harry Eggleston,

Petitioners,

676 vs.

Fred M. Lyon and Jacquelin Weeks, an Infant, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John T. Kobilkin,

Petitioner,

204 vs.

Warren H. Pillsbury, Deputy Commissioner, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Illinois Central Railroad Company,

Appellant,

222 vs.

State of Minnesota.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peter J. Carpenter,

Petitioner,

230 vs.

Wabash Railway Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John G. Ruhlin, Jennie B. Ruhlin, et al.,

Petitioners,

601 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jagels, "A Fuel Corporation",

Appellant,

603 vs.

Joseph D. McGoldrick, Comptroller of the City of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna May Milar,

Petitioner,

605 vs.

Viola M. Burleigh, Executrix, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Stewart,

Petitioner,

617 vs.

A. F. St. Sure, Judge, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

France Manufacturing Company,

Petitioner,

626 vs.

Jefferson Electric Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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State of Wisconsin, et al.,

Complainants,

2, Original vs.

State of Illinois, et al.;

State of Michigan, et al.,

Complainants,

3, Original vs.

State of Illinois, et al.; and

State of New York, et al.,

Complainants,

4, Original vs.

State of Illinois, et al.

Returns to rule to show cause presented.

First National Bank of Altoona, Pa., Trustee, Benjamin Cohn Trust No. 10,

Petitioner,

518 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Independent Oil Company,
Petitioner,
519 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Mrs. C. Rosenfelt,
Petitioner,
520 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Mrs. L. Hirsch,
Petitioner,
521 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

S. M. Cohn,
Petitioner,
522 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

H. L. Cohn,
Petitioner,
523 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

C. N. Cohn,
Petitioner,
524 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

B. Cohn Trust,
Petitioner,
525 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

B. Cohn,
Petitioner,
526 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

527 vs.

Independent Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

528 vs.

Mrs. C. Rosenfelt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

529 vs.

Mrs. L. Hirsch.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

530 vs.

S. M. Cohn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

531 vs.

H. L. Cohn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

532 vs.

C. N. Cohn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

533 vs.

B. Cohn Trust.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

534 vs.

B. Cohn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Thomas E. Murray, as Receiver, etc., et al.;

Petitioners,

552 vs.

The City of New York, et al.; and

William Roberts, Receiver, etc.,

Petitioner,

558 vs.

Thomas E. Murray, as Receiver, et al.

Motion further to defer consideration of petitions for writs of certiorari presented.

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Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey, et al.

Argument on the motion for leave to file bill of complaint and the returns to the rule to show cause commenced by Mr. William A. Schnader for the Complainant.

Leave granted to file response of Defendant, State of New Jersey, to rule to show cause, and argument continued by Mr. John W. Ockford for the Defendant, State of New Jersey; by Mr. Egbert Rosecrans for the individual Defendants, Bessie Colburn, et al.; and concluded by Mr. William A. Schnader for the Complainant.

Delaware River Joint Toll Bridge Commission, Pennsylvania-New Jersey,

Petitioner,

563 vs.

John D. Colburn and Bessie Colburn.

Argued by Mr. Edward B. Stout for the Petitioner and by Mr. Egbert Rosecrans for the Respondents.

State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

Argument on the motion for leave to file petition for rule to

show cause and return to rule to show cause commenced by Mr. Ewing T. Kerr for the Complainant and continued by Mr. Byron G. Rogers for the Defendant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene F. Black, It is ordered that Shirley Stewart, Esquire, of Port Huron, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel F. McGowan, It is ordered that Carl E. Cameron, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that Milton D. Korman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig Van Meter, It is ordered that

Thos. H. Cobbs, Esquire, of Saint Louis, State of Missouri; and

Wm. H. Armstrong, Esquire, of Saint Louis, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Clair W. MacLeod, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Harvey B. Jacobson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sumner Sigsbee Kittelle, It is ordered that

Leonard W. Ferris, Esquire, of Utica,
State of New York; and

George P. Lamb, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that

W. J. Smith, Esquire, of Texarkana,
State of Arkansas; and

Willard H. McEwen, Esquire, of Toledo,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester Wood, It is ordered that Frank William Rose, Esquire, of Ogden, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Josef L. Hektoen, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

Argument on the motion for leave to file petition for rule to show cause and the return to the rule to show cause continued by Mr. Byron G. Rogers for the Defendant and concluded by Mr. Ewing T. Kerr for the Complainant.

Joseph D. McGoldrick, Comptroller
of the City of New York,

Petitioner,

473 vs.

Gulf Oil Corporation.

Reargued by Mr. Paxton Blair for the Petitioner and by Mr. Matthew S. Gibson for the Respondent.

The United States of America,

Petitioner,

570 vs.

John C. Shaw, Administrator, etc.

Argued by Mr. Solicitor General Biddle for the Petitioner and by Mr. Eugene F. Black and Mr. Shirley Stewart for the Respondent.

The United States of America,

Petitioner,

569 vs.

United States Fidelity and Guaranty Company, et al.

Argued by Mr. Solicitor General Biddle for the Petitioner and by Mr. Bower Broaddus and Mr. Julian B. Fite for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jules Gilmer Korner, Jr., It is ordered that Geo. D. Brabson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Gilbert H. Jertberg, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Albert H. Gavit, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

479 vs.

Charles A. Bruun

Argued by Mr. Arnold H. Raum for the Petitioner and by Mr. John H.

McEvers for the Respondent.

Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor,

Petitioner,

481 vs.

Magnolia Petroleum Company and The Ohio Oil Company.

Argued by Mr. Thomas T. Railey for the Petitioner and by Mr. Craig Van Meter and Mr. Thomas H. Cobbs for the Respondents.

Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors, etc., et al.,

Appellants,

541 vs.

State Tax Commission of the State of New York.

Argument commenced by Mr. Arthur A. Ballantine for the Appellants and continued by Mr. Mortimer M. Kassell for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lee Pressman, It is ordered that Isadore Katz, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Fisher, It is ordered that

A. S. Clay III, Esquire, of Atlanta, State of Georgia; and

Archie D. Gray, Esquire, of Houston, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Mahon, It is ordered that Robert M. McKee, Esquire, of Crosbyton, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that Earl B. Craig, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Gertrude Vanderbilt Whitney and
Cornelius Vanderbilt, as Executors, etc., et al.,

Appellants,

541 vs.

State Tax Commission of the State of New York.

Argument continued by Mr. Mortimer M. Hassell for the Appellee and concluded by Mr. Arthur A. Ballantine for the Appellants.

The City of Yonkers,

Petitioner,

542 vs.

Walter F. Downey, Receiver, etc.;

John J. Condon, Mayor, et al.,

Petitioners,

543 vs.

Walter F. Downey, Receiver, etc.;

John J. Condon, Mayor, et al.,

Petitioners,

544 vs.

Walter F. Downey, Receiver, etc.; and

The City of Yonkers, as Trustee, etc.,

Petitioner,

545 vs.

Walter F. Downey, as Receiver, etc.

Argued by Mr. Leonard G. McAneny and Mr. E. J. Dimock for the Petitioners and by Mr. George P. Barse for the Respondent.

Byron Thornhill,

Petitioner,

514 vs.

The State of Alabama.

Argument commenced by Mr. James J. Mayfield for the Petitioner; continued by Mr. William H. Loeb for the Respondent; and concluded by Mr. Joseph A. Padway for the Petitioner.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

Motion that leave be granted Laurence W. Carr to file papers and to appear and present oral argument for the Appellee, pro hac vice, submitted by Mr. Lee Pressman.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

ON CONSIDERATION of the motion of Mr. Lee Pressman that leave be granted Laurence W. Carr to file papers and to appear and present oral argument in this case for the Appellee, pro hac vice,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

Argument commenced by Mr. Lee Pressman for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. John Rogge, It is ordered that Albert E. Arent, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Harlan L. Hackbert, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that John W. Babcock, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that A. E. Later, Esquire, of Rigby, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. O'Connor, It is ordered that Frank T. Bow, Esquire, of Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that W. Reginald Jones, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. McGranery, It is ordered that J. Harold Flannery, Esquire, of West Pittston, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that

Irene Hermann Faust, of Indianapolis, State of Indiana; (Mrs.)

William H. Faust, Esquire, of Indianapolis, State of Indiana; and

William H. Faust, Jr., Esquire, of Indianapolis, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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John Carlson,

Appellant,

667 vs.

The People of the State of California.

Motion for leave to file brief as amicus curiae submitted by Mr. Myer N. Rosengard.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

ON CONSIDERATION of the motion of Mr. Myer N. Rosengard for leave to file within one week brief in behalf of Ross W. Swing, et al., as

amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

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John Carlson,

Appellant,

667 vs.

The People of the State of California.

Argument continued by Mr. Lee Pressman for the Appellant; by Mr. Laurence W. Carr for the Appellee, pro hac vice, be special leave of Court; and concluded by Mr. Lee Pressman for the Appellant.

Ethyl Gasoline Corporation, Earle W. Webb, et al.,

Appellants,

536 vs.

The United States of America.

Argument commenced by Mr. Dean G. Acheson for the Appellants and continued by Mr. Assistant Attorney General Arnold for the Appellee.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

W. Richardson Blair, Esquire, of Philadelphia, State of Pennsylvania; and

Finley J. Gibbs, Esquire, of San Jose, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Soterios Nicholson, It is ordered that Peter T. Kourides, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Barry, It is ordered that Charles M. McCarty, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that

John Joseph Williams, Jr., Esquire, of Sarasota, State of Florida; and

Francis C. Dart, Esquire, of Sarasota,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that

Charles Solis Corben, Esquire, of New York,
State of New York;

Milton Kramer, Esquire, of Brooklyn,
State of New York;

Joseph A. Fanelli, Esquire, of New York,
State of New York;

Foster A. Smith, Esquire, of West Frankfort,
State of Illinois;

Jacob Abramson, Esquire, of Rochester,
State of New York; and

Myles F. P. Gibbons, Esquire, of Scranton,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Charles Smith, It is ordered that Arthur F. Cole, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Leo John Lamberson, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Welsh, It is ordered that Clarence Kelsey, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Ernst, It is ordered that Herbert C. Smyth, Jr., Esquire, of New York, State

of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Licorice Company,
Petitioner,
272 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Separate opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

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The Chief Justice announced the following order of the Court:

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Charles Friedman,
Appellant,
730 vs.
Arthur Markendorf, Chairman of the Executive Committee, Board of Pharmacy, et al.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is not here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

The motion of the State of Wyoming for leave to file a petition for a rule directing the State of Colorado to appear and show cause why it should not be adjudged in contempt for the violation of a decree of this Court is granted. The petition presented is ordered filed, and the State of Colorado is directed to show cause, as aforesaid, on or before March 25, 1940. The motion of the State of Colorado that evidence be taken to determine the amount of return flow to the Laramie River from the diversions at the headgates of the meadowland ditches is denied.

Per Mr. Chief Justice Hughes.

Ex parte James A. Lovvorn,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania,

Complainant,

—, Original vs.

State of New Jersey, et al.

ON CONSIDERATION of the motion for leave to file a bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and process is ordered to issue returnable March 25, next.

Per Mr. Chief Justice Hughes.

The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

3, Original vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

4, Original vs.

The State of Illinois, et al.

The return to the rule to show cause is received and ordered filed and the cause is assigned for argument on Monday, March 25 next, on the petition for temporary modification of the decree and the return to the rule to show cause.

Per Mr. Chief Justice Hughes.

Robert Considine,

Petitioner,

747 vs.

Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Considine,

Petitioner,

747 vs.

Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas E. Murray, as Receiver, etc., et al.,

Petitioners,

552 vs.

The City of New York, et al.; and

William Roberts, Receiver, etc.,

Petitioner,

558 vs.

Thomas E. Murray, as Receiver, etc., et al.

ON CONSIDERATION of the motion to further defer consideration of the petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and consideration is deferred until May 1 next.

Per Mr. Justice Stone.

The Chief Justice took no part in the consideration and decision of this application.

The United States of America, et al.,

Appellants,

713 vs.

The American Trucking Associations, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America, et al.,

Appellants,

724 vs.

Chicago Heights Trucking Co., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Sontag Chain Stores Co., Ltd.,

Petitioner,

671 vs.

National Nut Company of California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

J. Steve Anderson,

Petitioner,

682 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

L. H. Prichard,

Petitioner,

683 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Minersville School District, Board of Education of Minersville School District, et al.,

Petitioners,

690 vs.

Walter Gobitis, Individually and Lillian Gobitis and William Gobitis, Minors, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bentley W. Warren and Charles W. Mulcahy, as the Trustees of the Property of Boston and Providence Railroad Corporation,

Petitioners,

643 vs.

Howard S. Palmer, et al., as the Trustees of the Property of the New York, New Haven and Hartford Railroad Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

674 vs.

Appalachian Electric Power Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Stone.

The Chief Justice took no part in the consideration and decision of this application.

Greenwood County,

Petitioner,

678 vs.

Duke Power Company and Southern Public Utilities Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Compania General De Tabacos De Filipinas,
Petitioner,
637 vs.
Collector of Internal Revenue.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Winkelman,
Petitioner,
648 vs.
Roy G. Allman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Puget Sound Navigation Company,
Petitioner,
668 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rose Packard Shyvers, Petitioner, vs. The Security-First National Bank of Los Angeles. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

680

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Austin Clark, Alias Dick Austin, Petitioner, vs. United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

684

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lewis H. Pettingill, Petitioner, vs. Howard B. Fuller. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

688

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,

Petitioner,

691 vs.

Anna Sherman, as Administratrix of the Estate of Buel M. Sherman, Deceased.

On petition for writ of certiorari to the District Court of Appeal of the State of California, First Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, First Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Honor D. Wilson,

Petitioner,

374 vs.

Louisville Joint Stock Land Bank of Louisville, Kentucky, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin A. Severson,

Petitioner,

616 vs.

Hanford Tri-State Airlines, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lottie Stewart and James Stewart,

Petitioners,

628 vs.

Capital Transit Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Murphy,

Petitioner,

685 vs.

Warden of Clinton State Prison at Dannemora, New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, March 11, until Monday, March 25, next.

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Lloyd N. Cobbledick, Individually, etc., et al.,

Petitioners,

571 vs.

The United States of America;

A. H. Brawner, Individually, etc., et al.,

Petitioners,

572 vs.

The United States of America; and

Eugene Palmuth, Individually, etc., et al.,

Petitioners,

573 vs.

The United States of America.

ON CONSIDERATION of the motion of Mr. Solicitor General Biddle for the immediate issuance of the mandates in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the mandates issue forthwith.

Per Mr. Chief Justice Hughes.

Frank S. Connor,

Petitioner,

562 vs.

The People of the State of California.

Suggestion of a diminution of the record and a motion for a writ of certiorari in that relation submitted by Mr. Everett W. Mattoon for the Respondent with leave to the Petitioner to reply thereto by Friday next on motion of Mr. H. Thomas Austern for the Petitioner.

New World Life Insurance Company,

Petitioner,

417 vs.

The United States.

Motion to extend time for filing petition for rehearing submitted by Mr. Walter E. Barton for the Petitioner.

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Ethyl Gasoline Corporation, et al.,

Appellants,

536 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Arnold for the Appellee and concluded by Mr. Dean G. Acheson for the Appellants.

The United States of America,

Appellant,

476 vs.

Northern Pacific Railway Company, et al.; and

Northern Pacific Railway Company, et al.,

Appellants,

477 vs.

The United States of America.

Six hours allowed for oral argument.

Argument commenced by Mr. Edward F. McClennen for the United States, continued by Mr. Assistant Attorney General Littell for the United States, and by Mr. John W. Davis for the Northern Pacific Railway Company, et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 5, 1940.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that F. M. Dudley, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Melvin M. Siegel, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Laskey, It is ordered that Jesse Rothman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson H. Carver, It is ordered that David Manover, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Stetson, It is ordered that George Emerson, Esquire, of Washington, District

of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton E. Hartley, It is ordered that George V. Woodling, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that

Stuart Knowlton Barnes, Esquire, of Washington, District of Columbia;

Edward H. Cashion, Esquire, of Chicago, State of Illinois; and

Raoul Berger, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Ralph G. Martin, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney Ehrlich, It is ordered that

Edgar J. Bernheimer, Esquire, of New York, State of New York; and

Sydney J. Schwartz, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States of America,

Appellant,

476 vs.

Northern Pacific Railway Company, et al.; and

Northern Pacific Railway Company,
et al.,

Appellants,

477 vs.

The United States of America.

Argument continued by Mr. John W. Davis and by Mr. Lorenzo B. daPonte for the Northern Pacific Railway Company, et al., and concluded by Mr. Edward F. McClennen for the United States.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

559 vs.

Julian Price.

Argument commenced by Mr. Richard H. Demuth for the Petitioner and continued by Mr. George D. Brabson for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Matthew Mansfield Neely, It is ordered that

Lawrence W. Gunther, Esquire, of Washington, District of Columbia; and

C. Lee Spillers, Esquire, of Wheeling, State of West Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Charles D. Hayes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Sam Clammer, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. H. Thacher, It is ordered that Horace Chapman Young, Esquire, of Washington,

District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. B. Rose, It is ordered that George Rose Smith, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Thomas J. Dodd, Jr., Esquire, of Vermillion, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Abraham & Straus, Inc.,

Petitioner,

429 vs.

Art Metal Works, Inc.; and

Abraham & Straus, Inc.,

Petitioner,

430 vs.

Art Metal Works, Inc.

Motion for leave to file petition for rehearing submitted by Mr. Enoch A. Chase for the Petitioner.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

559 vs.

Julian Price.

Argument continued by Mr. George D. Brabson for the Respondent and concluded by Mr. Richard H. Demuth for the Petitioner.

Tradesmens National Bank of
Oklahoma City,

Appellant,

596 vs.

The Oklahoma Tax Commission.

Submitted by Mr. E. A. Walker for the Appellant and by Mr. F. M. Dudley for the Appellee.

Harry M. Veix,

Appellant,

567 vs.

Sixth Ward Building and Loan
Association of Newark, N. J.

Argued by Mr. Walter P. Reilly and Mr. James L. Handford for the Appellant, and by Mr. Fred G. Stickel, Jr., and Mr. Louis J. Cohen for the Appellee.

Union Joint Stock Land Bank
of Detroit,

Petitioner,

579 vs.

Carl Byerly.

Argued by Mr. Ralph G. Martin for the Petitioner and by Mr. Elmer McClain and Mr. William Lemke for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 7, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Milton D. Sapiro, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that C. Glenn Morris, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that D. D. Panich, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that James P. O'Donnell, Esquire, of Herkimer, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Ralph E. Becker, Esquire, of Port Chester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Llewellyn A. Luce, It is ordered that Sproesser Wynn, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that J. Donald Duncan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Minnesota,

Petitioner,

500 vs.

National Tea Company, et al.

Argument commenced by Mr. Matthias N. Orfield for the Petitioner; continued by Mr. Michael J. Doherty for the Respondents; and concluded by Mr. George W. Markham for the Petitioner.

The People of Puerto Rico,

Petitioner,

582 vs.

Rubert Hermanos, Inc.

Argument commenced by Mr. William Cattron Rigby for the Petitioner; continued by Mr. Melvin H. Siegel for the United States as amicus curiae, by special leave of Court; and by Mr. Henri Brown for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 8, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Victor E. Millman, Esquire, of Worcester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Arthur E. Voglewede, Esquire, of Decatur, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Charles Cranston Spray, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Helen P. Culhane, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Ernest K.

Neumann, It is ordered that Arthur S. Metzger, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Armond W. Scott, It is ordered that

J. Franklin Wilson, Esquire, of Washington, District of Columbia; and

Jas. T. Carter, Esquire, of Richmond, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Lee R. Grabill, Jr., Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Wallace E. Davis, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The People of Puerto Rico,

Petitioner,

582 vs.

Rubert Hermanos, Inc.

Argument continued by Mr. Henri Brown and by Mr. George M. Wolfson for the Respondent, and concluded by Mr. William Cattron Rigby for the Petitioner.

Kersh Lake Drainage District, etc., et al.,

Petitioners,

595 vs.

A. J. Johnson.

Argument commenced by Mr. George B. Rose for the Petitioners; continued by Mr. Walter G. Riddick for the Respondent; and concluded by Mr. George Rose Smith for the Petitioners.

The Western Union Telegraph Company,

Petitioner,

597 vs.

Paul Nester and Juan Charles, Co-partners.

Argued by Mr. Francis Raymond Stark for the Petitioner and case submitted by Mr. Earl C. Demoss for the Respondents.

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Proclamation being made the Court is adjourned until Monday, March 11, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William Wilson Miller, It is ordered that Edw. F. Cavanagh, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that McKibben Lane, Esquire, of Macon, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Joseph Connolly, Esquire, of Boston,
State of Massachusetts;

Oliver W. Hammonds, Esquire, of Oklahoma City,
State of Oklahoma; and

Lawrence Soule Apsey, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer J. Ryan, It is ordered that Howard P. Quealy, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Shields, It is ordered that G. Burgess Ela, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that J. W. Stone, Esquire, of Harriman, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eldred E. Jacobsen, It is ordered that Jacques M. Schiffer, Esquire, of Saint Thomas, Virgin Islands, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel D. Cohen, It is ordered that

Irwin Margulies, Esquire, of New York, State of New York; and

Jacob M. Weinstein, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Mason, It is ordered that Lucian Willis Bugbee, Jr., Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Malloy, It is ordered that Charles J. Dewey, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Tremlett Fell, It is ordered that Samuel B. Rochkind, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Sparks, It is ordered that Harry Gottlieb, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that John F. Havlin, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that

Harry S. Neiwirth, Esquire, of Newark,
State of New Jersey; and

David L. Schwartz, Esquire, of Newark,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Smith, It is ordered that J. Gordon Mason, Esquire, of Wilkes-Barre, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse R. Smith, It is ordered that Walter F. Kaufman, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Dickinson Industrial Site, Inc., a Corporation, Formerly the Albert Dickinson Company,

Petitioner,

386 vs.

Percy Cowan, Edgar N. Greenebaum, Walter A. Wade, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Douglas.

Paramino Lumber Company and Union Insurance Society of Canton, Ltd.,

Appellants,

271 vs.

Wm. A. Marshall, Deputy Commissioner, Fourteenth Compensation District Under the Longshoremen's and Harbor Workers' Compensation Act, and John T. Clark.

Appeal from the District Court of the United States for the Western District of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Murphy took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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Dave Canty,

Petitioner,

634 vs.

The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Dave Canty,

Petitioner,

634 vs.

The State of Alabama.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Dave Canty,

Petitioner,

634 vs.

The State of Alabama.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the

same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

American Manufacturing Company,
Petitioner,
vs.
National Labor Relations Board.

Order allowing certiorari.

664

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

American Manufacturing Company,
Petitioner,
vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

664

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas are of the opinion that the order should be affirmed without modification.

Ann F. Gordon and Edmund Gertrude Faison,

Appellants,

735 vs.

Arthur M. Wirtz, Herman Hachmeister and Robert Henley, et al.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Ann F. Gordon and Edmund Gertrude Faison,

Appellants,

735 vs.

Arthur M. Wirtz, Herman Hachmeister and Robert Henley, et al.

Appeal from the Supreme Court of the State of Mississippi.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Artie F. Arthur,

Appellant,

742 vs.

State of Indiana.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Edgar Brothers Company,
Appellant,
vs.
T. Grady Head, State Revenue Commissioner of Georgia.

Appeal from the Court of Appeals of the State of Georgia.

750

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Georgia, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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New World Life Insurance Company,
Petitioner,
vs.
The United States.

417

ON CONSIDERATION of the motion of the petitioner to extend the time for filing a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to May 1, next.

Per Mr. Chief Justice Hughes.

George McDonald,

Petitioner,

669 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George McDonald,

Petitioner,

669 vs.

The State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas, et al.,

Petitioners,

681 vs.

Rowan & Nichols Oil Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William P. Buckner, Jr., and William J. Gillespie,

Petitioners,

679 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

Edward B. McLean, by His Attorney, etc., et al.,

Petitioners,

725 vs.

Neil Burkinshaw, Ancillary Committee, etc.

ON CONSIDERATION of the motion of the guardian ad litem for Edward B. McLean for leave to file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Edward B. McLean, by His Attorney, George B. Fraser and George B. Fraser, Individually,

Petitioners,

725 vs.

Neil Burkinshaw, Ancillary Committee of the Person and Estate of Edward B. McLean.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Berliner Handels-Gesellschaft,

Petitioner,

672 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,

Petitioner,

692 vs.

Minnie Weiand, as Administratrix of the Estate of Edward W. Weiand, Deceased.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,

Petitioner,

693 vs.

Ida P. Woodward, Administratrix of the Estate of Charles P. Woodward, Deceased.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacob Arbetman, Louis Oppenheimer and Samuel R. Ballis, Receiver of the National Republic Company,

Petitioners,

694 vs.

Reconstruction Finance Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John W. Donald, William Edward Larman and John R. Green,

Petitioners,

695 vs.

District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ella R. Clarke,

Petitioner,

696 vs.

Gold Dust Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Rogers Flannery, J. Rogers Flannery, Jr., Adelaide Friday Flannery, et al.,

Petitioners,

700 vs.

Flannery Bolt Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leonard L. Barrett,

Petitioner,

701 vs.

Henry Morgenthau, Jr., Secretary of the Treasury, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Borough of Edgewater,
Petitioner,
708 vs.
Hon. Joseph L. Bodine, Justice of the New Jersey Supreme Court and Nancy Cox.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Linea Sud-Americana, Inc.,
Petitioner,
710 vs.
7295.40 Tons of Linseed and Archer-Daniels-Midland Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Olin R. Holt,
Petitioner,
711 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florence E. Vail, Executrix of the Last Will and Testament of Thomas C. Vail, Deceased,

Petitioner,

716 vs.

County of Somerset.

On petition for writ of certiorari to the Supreme Court of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Employers Liability Assurance Corporation, Ltd.,

Petitioner,

723 vs.

Aaron Tracey Newton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham & Straus, Inc.,

Petitioner,

429 vs.

Art Metal Works, Inc.; and

Abraham & Straus, Inc.,

Petitioner,

430 vs.

Art Metal Works, Inc.

ON CONSIDERATION of the motion for leave to file a petition

for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Abraham & Straus, Inc.,
Petitioner,
429 vs.
Art Metal Works, Inc.; and

Abraham & Straus, Inc.,
Petitioner,
430 vs.
Art Metal Works, Inc.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas,
Appellant,
138 vs.
Dixie Greyhound Lines, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

193 vs.

Waterman Steamship Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frederick S. Deitrick, Receiver, etc.,

Petitioner,

246 vs.

Thomas E. Greaney.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Parker,

Petitioner,

631 vs.

American Society of Mechanical Engineers.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, March 25th, next, at 12 o'clock.

MONDAY, MARCH 25, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Adelaide E. Schlaudecker, of Washington, District of Columbia, (Miss)

Sophronia May Hodder, of Washington, District of Columbia; (Miss)

Bessie Phelan, of Allenton, State of Missouri; (Miss)

Israel Stiefel, Esquire, of Philadelphia, State of Pennsylvania; and

Joseph Weintraub, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert H. Naujoks, It is ordered that Timothy F. Cohan, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that

Francis W. Cole, Esquire, of Hartford,
State of Connecticut; and

John C. Parsons, Esquire, of Hartford,
State of Connecticut;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Norris, It is ordered that

Allen R. Cozier, Esquire, of Washington,
District of Columbia;

H. Emerson Kokjer, Esquire, of Wahoo,
State of Nebraska;

George A. Piper, Esquire, of Lincoln,
State of Nebraska; and

Walter R. Johnson, Esquire, of Omaha,
State of Nebraska;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that George B. Bailey, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that J. Ralph Arnold, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. W. Blackney, It is ordered that Laurie O. Telfer, Esquire, of Port Huron, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that Gordon A. Nicholson, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D.

Angell, It is ordered that Samuel E. Sax, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that Morton Miller, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that John B. McGurl, Esquire, of Minersville, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Robert F. Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that Irving L. Werksman, Esquire, of Passaic, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Montgomery S. Winning, It is ordered that William C. Clausen, Esquire, of Aurora, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Herbert, It is ordered that Thomas Read, Esquire, of Shelby, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

D. F. Strickland, Esquire, of Mission, State of Texas; and

George W. Barcus, Esquire, of Austin, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Isador Grossman, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip P. Dodson, It is ordered that Harold W. Kennedy, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abner Hirsch Goldstone, It is ordered that

Abraham Hornstein, Esquire, of New York, State of New York; and

George D. Hornstein, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Carter Fort, It is ordered that Eldon M. Martin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Atlee Walker, It is ordered that Josh Lee, Esquire, of Norman, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Tradesmens National Bank of Oklahoma City,

Appellant,

596 vs.

The Oklahoma Tax Commission.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Murphy.

Mr. Justice McReynolds took no part in the consideration or decision of this cause.

State of Minnesota,

Petitioner,

500 vs.

National Tea Company and Allied Stores Corporation (Formerly Hahn Department Stores, Incorporated).

On writ of certiorari to the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, vacated, each party to pay its own costs in this Court; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings.

Per Mr. Justice Douglas.

Mr. Justice McReynolds took no part in the decision of this case.

Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice Stone and Mr. Justice Roberts join.

Inland Waterways Corporation, United States Shipping Board Merchant Fleet Corporation, et al.,

Petitioners,

6 vs.

Frederick J. Young, Receiver of Commercial National Bank of Washington, D. C.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Reed and Mr. Justice Murphy took no part in the disposition of this case.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

Harry A. Woodring, Secretary of War, and H. A. A. Smith, General Purchasing Officer and Chief of Washington Office, Panama Canal,

Petitioners,

5 vs.

Justus B. Wardell, Receiver, District National Bank of Washington, D. C.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Reed and Mr. Justice Murphy took no part in the disposition of this case.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Butler.

Gertrude Vanderbilt Whitney and Cornelius Vanderbilt, as Executors of the Last Will and Testament of Alice G. Vanderbilt, Deceased, et al.,

Appellants,

541 vs.

State Tax Commission of the State of New York.

Appeal from the Surrogate's Court of the County of New York, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court of the County of New York, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Surrogate's Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Roberts.

Mr. Justice McReynolds did not participate in the decision of this case.

The People of Puerto Rico,

Petitioner,

582 vs.

Rubert Hermanos, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds did not participate in the decision of this case.

The United States of America,

Petitioner,

570 vs.

John C. Shaw, Administrator de bonis non of the Estate of Sydney C. McLouth, Deceased.

On writ of certiorari to the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds took no part in the decision of this case.

The United States of America,
Petitioner,
vs.
United States Fidelity and Guaranty Company, J. M. Bernardin, Trustee, etc., et al.

569

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds took no part in the decision of this case.

Guy A. Thompson, Trustee, Missouri-Illinois Railroad Company, Debtor,
Petitioner,
vs.
Magnolia Petroleum Company and the Ohio Oil Company.

481

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the decree of the District Court, in this cause, be, and the same is hereby, affirmed except insofar as it provides for adjudication of the disputed ownership in the bankruptcy court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri with instructions to modify its order so as to provide appropriate submission of the question of fee simple ownership of the right of way to the Illinois State courts.

Per Mr. Justice Black.

Mr. Justice McReynolds took no part in the decision of this case.

Kersh Lake Drainage District, etc., et al.,

Petitioners,

595 vs.

A. J. Johnson.

On writ of certiorari to the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice McReynolds took no part in the decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

479 vs.

Charles A. Brunn.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The Chief Justice concurs in the result in view of the terms of the stipulation of facts.

Mr. Justice McReynolds took no part in the decision of this case.

Federal Communications Commission,
Petitioner,
499 vs.
Senders Brothers Radio Station.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice McReynolds took no part in the decision of this case.

Joseph D. McGoldrick, Comptroller of the City of New York,
Petitioner,
473 vs.
Gulf Oil Corporation.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this

Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Mr. Justice McReynolds took no part in the decision of this case.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

vs.

Compagnie Generale Transatlantique.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

44

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

The Chief Justice and Mr. Justice Roberts concur in part and dissent in part.

Mr. Justice McReynolds and Mr. Justice Murphy took no part in the consideration or decision of this case.

Ethyl Gasoline Corporation, Earle W. Webb and John Coard Taylor,

Appellants,

vs.

The United States of America.

Appeal from the District Court of the United States for the Southern District of New York.

536

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

Edward Sheldon and Margaret Ayer Barnes, Petitioners,

482 vs.

Metro-Goldwyn Pictures Corporation, Metro-Goldwyn-Mayer Distributing Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Mr. Justice McReynolds took no part in the decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue, Petitioner,

559 vs.

Julian Price.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the decision of the Board of Tax Appeals affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice McReynolds took no part in the decision of this case.

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The Chief Justice announced the following orders of the Court:

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Frank S. Connor,

Petitioner,

562 vs.

The People of the State of California,
Clyde I. Plummer, et al.

ON CONSIDERATION of the motion for a writ of certiorari to correct a diminution of the record in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank S. Connor,

Petitioner,

562 vs.

The People of the State of California,
Clyde I. Plummer, et al.

On writ of certiorari to the Supreme Court of the State of California.

It appearing to the Court that counsel for the respective parties have submitted a motion to remand this cause to the Supreme Court of the State of California for further proceedings;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motion be, and the same is hereby, granted; and that the judgment of the said Supreme Court in this cause be, and the same is hereby, vacated, each party to pay his or its own costs in this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further consideration of the application for writ of habeas corpus.

Per Mr. Chief Justice Hughes.

Bob White,

Petitioner,

87 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to file a petition

for rehearing and of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order entered in this cause on November 13, 1939, be, and the same is hereby, vacated.

AND IT IS FURTHER ORDERED that the mandate in this cause issue forthwith.

Per Mr. Chief Justice Hughes.

Bob White,

Petitioner,

87 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Bob White,

Petitioner,

Order allowing certiorari.

87 vs.

The State of Texas.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bob White,

Petitioner,

87 vs.

The State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Perry Frame,

Petitioner,

698 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Perry Frame,

Petitioner,

698 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Perry Frame,

Petitioner,

698 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court upon consent of the Solicitor General that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Kansas for the purpose of making a full inquiry into the mental status of the petitioner at the time he entered the pleas of guilty.

Per Mr. Chief Justice Hughes.

Andrew B. Berger, as Receiver of the Bank of Pittsburgh National Association, Pittsburgh, Pennsylvania,

Petitioner,

463 vs.

The Chase National Bank of the City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Andrew B. Berger, as Receiver of the Bank of Pittsburgh National Association, Pittsburgh, Pennsylvania,

Petitioner,

463 vs.

The Chase National Bank of the City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

B. C. Schram, as Receiver of Guardian National Bank of Commerce of Detroit, Detroit, Michigan,

Petitioner,

464 vs.

The Chase National Bank of the City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this application.

B. C. Schram, as Receiver of Guardian National Bank of Commerce of Detroit, Detroit, Michigan,

Petitioner,

464 vs.

The Chase National Bank of the City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Dissenting; The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this cause.

Justus S. Wardell, as Receiver of District National Bank of Washington, D. C.,

Petitioner,

465 vs.

The Chase National Bank of the City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Justus S. Wardell, as Receiver of District National Bank of Washington, D. C.,

Petitioner,

465 vs.

The Chase National Bank of the City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this cause.

Frederick J. Young, Successor to Cary A. Hardee, as Receiver of Commercial National Bank of Washington, D. C.,

Petitioner,

466 vs.

The Chase National Bank of the City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Frederick J. Young, Successor to Cary A. Hardee, as Receiver of Commercial National Bank of Washington, D. C.,

Petitioner,

466 vs.

The Chase National Bank of the City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this cause.

Otto J. Feucht, et al., as Liquidating Trustees for the Fletcher American National Bank of Indianapolis, etc.,

Petitioners,

467 vs.

The Chase National Bank of the City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Otto J. Feucht, et al., as Liquidating Trustees for the Fletcher American National Bank of Indianapolis, etc.,

Petitioners,

467 vs.

The Chase National Bank of the City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this cause.

J. E. Rayburn, et al.,

Appellants,

781 vs.

W. H. Richardson, et al.

Appeal from the Court of Civil Appeals of the State of Texas, 5th Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 5th Supreme Judicial District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The Green Point Savings Bank,

Appellant,

788 vs.

Board of Zoning Appeals of the Town of Hempstead, Stephen A. Bedell, Carl S. Brown, et al.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1939.

IT IS ORDERED that Rule 41 of the Rules of this Court be, and the same is hereby, amended to read as follows:

"41.

JUDGMENTS OF THE COURT OF CLAIMS—PETITIONS FOR REVIEW ON CERTIORARI.

(See sec. 3(b) of the Act of February 13, 1925, as amended by the Act of May 22, 1939.)

1. A petition to this court for a writ of certiorari to review a judgment of the Court of Claims shall be accompanied by a certified transcript of the record in that court, consisting of the pleadings, findings of fact, conclusions of law, judgment and opinion of the court, and such other parts of the record as are material to the errors assigned. The petition shall contain a summary and short statement of the matter involved; the relevant parts of statutes involved (see Rule 27(f)); the questions presented; and the reasons relied on for the allowance of the writ. Only the questions specifically brought forward by the petition for writ of certiorari will be considered. A supporting brief may be annexed to the petition or presented separately, but it must be direct and concise. (See Rules 26 and 27.) The petition, brief and record shall be filed with the clerk and forty copies shall be printed under his supervision. The record shall be printed in the same way and upon the same terms that records on appeal are required to be printed. The estimated costs of printing shall be paid within five days after the estimate is furnished by the clerk and if payment is not so made the petition may be summarily dismissed. When the petition, brief and record are printed the petitioner shall forth-

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and granted.

AND IT IS FURTHER ORDERED that the ap same is hereby, dismissed for the want of a properly federal question.

Per Mr. C

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The Chief Justice said:

"The other orders of the Court appear upon the Chief Justice and filed with the Clerk and will n

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with serve copies thereof on the respondent, or his counsel of record, and shall file with the clerk due proof thereof.

2. Within twenty days after the petition, brief and record are served (unless enlarged by the court, or a justice thereof when the court is not in session) the respondent may file with the clerk forty printed copies of an opposing brief, conforming to Rules 26 and 27. Upon the expiration of that period, or upon an express waiver of the right to file or the actual filing of such brief in a shorter time, the petition, briefs and record, shall be distributed by the clerk to the court for its consideration. (See Rule 38, par. 4(a).)

The provision of subdivision (a) of paragraph 3 of Rule 38 shall apply to briefs in opposition to petitions for writs of certiorari to review judgments of the Court of Claims.

3. The same general considerations will control in respect of petitions for writs of certiorari to review judgments of the Court of Claims as are applied to applications for such writs to other courts. (See par. 5 of Rule 38.)"

March 25, 1940.

Ex parte Louis E. Simmonds,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Henry Long,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Wallace S. Bransford,

Petitioner.

—, Original.

The return to the rule to show cause is received and ordered filed.

This cause is set for hearing on Monday, April 22, next, on the motion for leave to file the petition for writ of mandamus and the return to the rule to show cause.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

621 vs.

The Prudential Insurance Company of America.

ON CONSIDERATION of the petition for leave to file an amended complaint in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Russell, Lawrence Miller, Charles Steers, et al., etc.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al., etc.

ON CONSIDERATION of the motion to stay the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Henry Russell, Lawrence Miller, Charles Steers, et al., etc.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al., etc.

ON CONSIDERATION of the motion for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to May 15, next.

Per Mr. Chief Justice Hughes.

Crane-Johnson Company, a Corporation of North Dakota,

Petitioner,

584 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

A motion for leave to file a petition for rehearing and petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harold R. Love,

Petitioner,

739 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold R. Love,

Petitioner,

739 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mamie A. King,

Petitioner,

699 vs.

Realty Mortgage Company, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Mamie A. King,

Petitioner,

699 vs.

Realty Mortgage Company, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al.,

Appellants,

777 vs.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The Sunshine Anthracite Coal Company,

Appellant,

804 vs.

Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

675 vs.

Ashby Oliver Stewart.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

Order allowing certiorari.

705 vs.

Emmett F. Dickerson.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

715 vs.

Arlene Summerlin, as Ancillary Administratrix of the Estate of J. P. Andrew, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

650 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

651 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The P. E. Rowe Sales Company,

Petitioner,

652 vs.

The Cleveland Trust Company, Chrysler Corporation.

ON CONSIDERATION of the motion to consider the petition for writs of certiorari in these cases on a reduced number of copies of the record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

The Schriber-Schroth Company,

Petitioner,

650 vs.

The Cleveland Trust Company, Chrysler Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The Aberdeen Motor Supply Company,

Petitioner,

651 vs.

The Cleveland Trust Company, Chrysler Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The F. E. Rowe Sales Company,

Petitioner,

652 vs.

The Cleveland Trust Company, Chrysler Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Robert J. Deckert, Roland W. Randal, David W. Compton, et al., Petitioners,

Order allowing certiorari.

733 vs.

Independence Shares Corporation, Alfred H. Geary, Frank McCown, Jr., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Robert J. Deckert, Roland W. Randal, David W. Compton, et al., Petitioners,

Order allowing certiorari.

734 vs.

The Pennsylvania Company for Insurance on Lives and Granting Annuities.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

The United States of America,
Petitioner,
731 vs.
Standard Oil Company of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

The Cleveland Trust Company,
Chrysler Corporation,
Petitioners,
653 vs.
The Schriber-Schroth Company;

The Cleveland Trust Company,
Chrysler Corporation,
Petitioners,
654 vs.
The Aberdeen Motor Supply Company; and

The Cleveland Trust Company,
Chrysler Corporation,
Petitioners,
655 vs.
The F. E. Rowe Sales Company.

ON CONSIDERATION of the motion to consider the petition for writs of certiorari in these cases on a reduced number of copies of the record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

The Cleveland Trust Company, Chrysler Corporation,

Petitioners,

653 vs.

The Schriber-Schroth Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The Cleveland Trust Company, Chrysler Corporation,

Petitioners,

654 vs.

The Aberdeen Motor Supply Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The Cleveland Trust Company, Chrysler Corporation,

Petitioners,

655 vs.

The F. E. Rowe Sales Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

American Casualty Company of Reading, Pennsylvania,

Petitioner,

718 vs.

Mrs. Hoke C. Windham, Fank Windham, Hoke C. Windham, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Charles H. Stewart, Jr.,

Petitioner,

722 vs.

Commonwealth of Pennsylvania (City of Jeanette).

ON CONSIDERATION of the suggestion of a diminution of the record in this case and motion for a writ of certiorari in that relation.

IT IS ORDERED by this Court that the motion for writ of certiorari herein be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles H. Stewart, Jr.,

Petitioner,

722 vs.

Commonwealth of Pennsylvania (City of Jeannette).

On petition for writ of certiorari to the Mayor's Court, City of Jeannette, Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Mayor's Court, City of Jeannette, Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Whitney Kernochan, Executor of the Will of Frederic Kernochan,
Petitioner,
687 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin Rubenstein,
Petitioner,
697 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Glade Candy Company,
Petitioner,
702 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Shupe-Williams Candy Company,
Petitioner,
703 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ostler Candy Company,
Petitioner,
704 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Elmwood Corporation,
Petitioner,
706 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Banner Machine Company,
Petitioner,
712 vs.
C. F. Routzahn, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry R. Tatle,
Petitioner,
717 vs.
A. C. Schmidt, Trustee in Bankruptcy of Peacock Food Markets, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Paine & Williams Company,
Petitioner,
736 vs.
Baldwin Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gulf Oil Corporation,
Petitioner,
761 vs.
Joseph D. McGoldrick, Comptroller of the City of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. J. Meredith,
Petitioner,
720 vs.
Fred P. Cone, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas H. Morrell,
Petitioner,
721 vs.
The Federal Land Bank of Baltimore.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fleisher Engineering & Construction Co. and Joseph A. Bass, Doing Business as Joseph A. Bass Co., et al.,

Petitioners,

726 vs.

The United States of America, for the Use and Benefit of George S. Hallenbeck, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oscar E. Buder,

Petitioner,

728 vs.

The New York Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. Ely Goldsmith,

Petitioner,

729 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Union Simplex Train Control Co., Inc., Petitioner, vs. General Railway Signal Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

737

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. E. Fletcher Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

741

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

North American Accident Insurance Company, Petitioner, vs. C. F. Tebbs. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

743

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George E. Eddy,

Petitioner,

744 vs.

Reconstruction Finance Corporation and Prudence Realization Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ygnacio Sanchez,

Petitioner,

745 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. Percy McDonald, Testamentary Guardian of Mariette Solvay McDonald, et al.,

Petitioners,

746 vs.

The Mutual Life Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

751 vs.

Sam B. Powe, George E. McKenzie, Miriam McKenzie, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin Wham, Trustee, Successor to Charles M. Thomas, Trustee of Chicago and Eastern Illinois Railway Company,

Petitioner,

753 vs.

Sarah Martin, Individually and Anna Martin, a Minor Child, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dorothy A. D. Allen,
Petitioner,
758 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Summer,
Petitioner,
772 vs.
Manufacturers Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hanover Fire Insurance Company,
Petitioner,
775 vs.
Newman's, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marshall Keig, Trustee in Bankruptcy of Lake Shore Athletic Club, Debtor,

Petitioner,

784 vs.

Lake Shore Athletic Club Members' Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

355 vs.

Moscow Fire Insurance Company, etc., et al.

IT IS ORDERED that the stay against payment by the Bank of New York & Trust Company (Bank of New York) pursuant to the judgment of the Supreme Court of the State of New York dated August 22, 1934, be, and it hereby is, vacated.

Per Mr. Chief Justice Hughes.

Standard Oil Company of California
and Henry Fairbank, et al.,

Petitioners,

604 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

S. L. Cantley, Receiver, etc.,

Petitioner,

666 vs.

Ernest E. Andrews, Catherina
Diepenbrock, et al.

ON CONSIDERATION of the motions of Paul M. Plunkett and J. B. Faegre for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

S. L. Cantley, Receiver, etc.,

Petitioner,

666 vs.

Ernest E. Andrews, Catherina
Diepenbrock, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oscar Getz, James M. Lavine, Sol Lavine, et al.,

Petitioners,

625 vs.

The Baltimore and Ohio Railroad Company, et al.

ON CONSIDERATION of the motion of counsel for the petitioners for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abe Fischer,

Appellant,

239 vs.

Pauline Oil & Gas Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carnegie-Illinois Steel Corporation, et al.,

Petitioners,

641 vs.

Cold Metal Process Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carnegie-Illinois Steel Corporation, et al.,

Petitioners,

642 vs.

Cold Metal Process Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas R. Cox,

Petitioner,

649 vs.

Joseph H. Wilson, as Warden, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Edmond C. Fletcher,

Petitioner.

709

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Employers Liability Assurance Corporation, Ltd.,

Petitioner,

723 vs.

Aaron Tracey Newton.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America, et al.,

Appellants,

713 vs.

The American Trucking Associations, Inc., et al.

Motion to substitute party appellant submitted by Mr. Solicitor General Biddle.

The United States of America, et al.,

Appellants,

713 vs.

The American Trucking Associations, Inc., et al.

The resignation of Harold D. Jacobs, and the appointment of Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Labor, having been suggested,

It is, on motion of Mr. Solicitor General Biddle, ordered by this Court that Philip B. Fleming, present Administrator, Wage and Hour Division, United States Department of Labor, be substituted and made a party appellant in this cause and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

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Ex parte Ira J. McCullough, et al.,

Petitioners.

—, Original.

Return to rule to show cause presented.

State of Wyoming,

Complainant,

10, Original
O. T. 1935 vs.

State of Colorado.

Returns to rule to show cause presented.

State of Texas,

Complainant,

10, Original vs.

State of New Mexico, et al.

Motion of complainant as to taxation of costs presented.

Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

Answers of the Defendants presented.

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The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

3, Original vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

4, Original vs.

The State of Illinois, et al.

Argument on the motion of Defendant, State of Illinois, for temporary modification of paragraph 3 of the decree of April 21, 1930, and the return to the rule to show cause commenced by Mr. John E. Cassidy for the Defendant, State of Illinois; continued by Mr. Herbert H. Naujoks for the Complainants, State of Wisconsin, et al.; by Mr. Timothy F. Cohan for the Complainant, State of New York; by Mr. Thomas J. Herbert for the Complainant, State of Ohio; and by Mr. Montgomery S. Winning for the Defendant, State of Illinois.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Overton Brooks, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that Frederick O. McKenzie, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert V. Fletcher, It is ordered that Edwin S. Pickett, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ellyne E. Strickland, It is ordered that Mary Tenenbaum, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. George M. Wolcott, It is ordered that Benjamin E. Jaffe, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Sullivan, It is ordered that Joseph Almyk Lieberman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morton K. Rothschild, It is ordered that Bernard R. Lieberman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that James W. Templeman, Esquire, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. B. Robinson, It is ordered that Aubrey N. Irwin, Esquire, of Glendale, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abram P. Staples, It is ordered that Albertis S. Harrison, Jr., Esquire, of Lawrenceville, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Shields, It is ordered that J. C. Thomson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Kramer, It is ordered that Walter D. Yankauer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that

Harold C. Heiss, Esquire, of Cleveland,
State of Ohio; and

Clarence E. Weisell, Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Cousellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Jackson, It is ordered that

Wilbur G. Mitchell, Esquire, of Richmond,
State of Virginia; and

George Washington Reilly, Esquire, of Richmond,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerard D. Reilly, It is ordered that Edward Clifford Burke, Esquire, of Newark, State New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

674 vs.

Appalachian Electric Power Company.

Motion of the Commonwealth of Virginia for leave to intervene as a party Respondent submitted by Mr. Abram P. Staples in that behalf.

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The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

3, Original vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

4, Original vs.

The State of Illinois, et al.

Argument on the motion of the defendant, State of Illinois, for a temporary modification of paragraph 3 of the decree of April 21, 1930, and the return to the rule to show cause concluded by Mr. Montgomery S. Winning for the Defendant, State of Illinois.

Channan Singh,

Petitioner,

152 vs.

Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco, California.

Argued by Mr. Gerard D. Reilly for the Respondent and case submitted by Mr. Marshall B. Woodworth for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

426 vs.

Stephen J. Leonard.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. J. Donald Duncan for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

427 vs.

Alfred C. Fuller.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Francis W. Cole for the Respondent.

National Labor Relations Board,

Petitioner,

588 vs.

Bradford Dyeing Association (U. S. A.), et al.

Argument commenced by Mr. Charles Fahy for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles W. Wilson, It is ordered that Thomas J. Bray, Esquire, of Oskaloosa, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,
Petitioner,
588 vs.
Bradford Dyeing Association (U. S.A.), et al.

Argument continued by Mr. Charles Fahy for the Petitioner; by Mr. Harry Parsons Cross for the Respondent, Bradford Dyeing Association; and concluded by Mr. Charles Fahy for the Petitioner; and case submitted by Mr. William G. Peely for the Respondent, B. D. A. Employees Federation, Local Union No. Sixteen, etc.

William H. Osborn, Channing F. MacNeil, et al.,

Appellants,

592 vs.

Thos. W. Ozlin, William Meade Fletcher, et al.

Argued by Mr. John Lord O'Brian for the Appellants and by Mr. Abram P. Staples for the Appellees.

Alfred A. Maurer and Marcus W. Myers, Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al.

Reargument commenced by Mr. Sterling G. McNees for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Charles Auerbach, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that

Francis A. Pallotti, Esquire, of Hartford, State of Connecticut; and

Richard F. Corkey, Esquire, of New London, State of Connecticut;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Charles W. Dibbell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Charles Halsted, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Madden, It is ordered that Luke H. Stapleton, Esquire, of Cheshire, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Alfred A. Maurer and Marcus W. Myers,
Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al.

Reargument continued by Mr. Sterling G. McNees for the Appellants; by Mr. George W. Keitel for the Appellees; and concluded by Mr. Edmund M. Brady for the Appellants.

The United States of America,

Petitioner,

587 vs.

City and County of San Francisco,
a Municipal Corporation.

Argued by Mr. Assistant Attorney General Littell for the Petitioner and by Mr. Garret W. McEnerney and Mr. John J. O'Toole for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that Lewis A. Newsom, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Nelson Moore, It is ordered that

Homer John Micklethwaite, Esquire, of Portsmouth, State of Ohio; and

Laurence Meredith Kimble, Esquire, of Portsmouth, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Erwin N. Griswold, It is ordered that

Paul E. Troy, Esquire, of Boston, State of Massachusetts; and

John Noble, Jr., Esquire, of Boston, State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. V. Norman, It is ordered that Laurence M. Finn, Esquire, of Bowling Green, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis D. Stephens, It is ordered that Albert M. Parker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Robert C. Dunn, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Gene McCann,

Petitioner,

773 vs.

New York Stock Exchange, et al.

Motion for leave to file brief of George W. Kirchwey, as amicus curiae submitted by Mr. M. J. Sawyer.

Gene McCann,

Petitioner,

773 vs.

New York Stock Exchange, et al.

ON CONSIDERATION of the motion for leave to file brief of George W. Kirchwey as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Jesse Cantwell, Newton Cantwell,
and Russell Cantwell,

Appellants,

Jesse Cantwell,

Petitioner,

632 vs.

The State of Connecticut.

Argued by Mr. Hayden C. Covington for the Appellants and Petitioner and by Mr. Francis A. Pallotti and Mr. Edwin S. Pickett for the Appellee and Respondent.

Herbert Tigner,

Appellant,

635 vs.

The State of Texas.

Argued by Mr. Charles I. Francis for the Appellant and by Mr. George W. Barcus and Mr. Lloyd Davidson for the Appellee.

Bentley W. Warren and Charles W.
Mulcahy, as Trustees, etc.,

Petitioners,

643 vs.

Howard S. Palmer, et al., etc.

Argument commenced by Mr. Erwin N. Griswold for the Petitioners.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that

John Moses, Esquire, of Bismarck, State of North Dakota; and

Carl D. McGee, Esquire, of Pawnee, State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that John R. Curtis, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that John D. Tansil, Esquire, of Billings, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guerra Everett, It is ordered that Victor E. Musso, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court,

and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Franklin M. Warden, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Marvin C. Harrison, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew M. Hood, It is ordered that Joseph Bohrer, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bates Booth, It is ordered that S. David Coleman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter W. Blood, It is ordered that Matthew J. Clarke, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Eli M. Brown III, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Channan Singh,

Petitioner,

152 vs.

Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Chief Justice Hughes.

The Peoples Gas Light and Coke Company,

Appellant,

809 vs.

William W. Hart, et al., the Persons Constituting the Illinois Commerce Commission, et al.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ira J. McCullough, Otis J. McCullough and Ray Andrade, Doing Business Under the Firm Name and Style of McCullough Tool Co.,

Petitioners,

14, Original vs.

Hon. George Cosgrave, Judge of the United States District Court, Southern District of California.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ira J. McCullough, Otis J. McCullough and Ray Andrade, Doing Business Under the Firm Name and Style of McCullough Tool Co.,

Petitioners,

14, Original vs.

Hon. George Cosgrave, Judge for the United States District Court, Southern District of California.

ON CONSIDERATION of the petition for writ of mandamus herein and of the return to the rule to show cause,

IT IS ORDERED by this Court that the writ of mandamus as prayed for be, and the same is hereby, granted. The District Judge is directed to vacate the order dated January 15, 1940, in the cases of Hammerer Corporation and Baash-Ross Tool Company v. Ira J. McCullough, et al., and Ira J. McCullough v. Baash-Ross Tool Company and Hammerer Corporation, referring these cases to a Master for trial. IT IS FURTHER ORDERED that the trial of these

cases be had by the District Court in due course without postponement of the trial to that of other cases not entitled to a preference, but with such arrangement as to the particular Judge who shall conduct the trial as may be consistent with the court's convenience.

Per Mr. Chief Justice Hughes.

Ex parte Glen W. Shafer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Arthur E. Hansen,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte J. C. Moore,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

10, Original vs.

The State of New Mexico, et al.

The motion of the Complainant to apply funds in the registry of the Court to reimburse El Paso County Water Improvement District No. 1 for costs advanced by said District is denied, and the amount remaining in the registry of the Court is directed to be paid to the Attorney General of the State for such disposition as the State may require.

Per Mr. Chief Justice Hughes.

The Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

The answers are received and ordered filed.

The cause is set for hearing on the Bill of Complaint and Answers and assigned for argument on Monday, April 22, next.

Per Mr. Chief Justice Hughes.

Elmer Ray Lowman,

Petitioner,

785 vs.

The Federal Land Bank of Louisville, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer Ray Lowman,

Petitioner,

785 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

674 vs.

Appalachian Electric Power Company.

ON CONSIDERATION of the motion of the Commonwealth of Virginia for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, with permission to file a brief and participate in the oral argument as amicus curiae..

Per Mr. Justice McReynolds.

Mr. Chief Justice Hughes took no part in the consideration or decision of this application.

Franz J. Borchard and Frieda W. Borchard,

Petitioners,

752 vs.

California Bank and California Trust Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Milk Wagon Drivers Union Local 753, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.,

Petitioners,

770 vs.

Lake Valley Farm Products, Inc., Amalgamated Dairy Works, Local Industrial Union No. 819, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Securities and Exchange Commission,

Petitioner,

796 vs.

United States Realty and Improvement Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

International Association of Machinists, Tool and Die Makers Lodge No. 35, etc.,

Petitioners,

732 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Constantinos Karpathiou,

Petitioner,

740 vs.

Fred J. Schlotfeldt, District Director of Immigration and Naturalization, Chicago District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Harry H. Landay,

Petitioner,

754 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank R. Lane,
Petitioner,
755 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Edward A. Attix,
Petitioner,
756 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Leonard E. Brown,
Petitioner,
757 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

The Cuban-American Sugar Company,
Petitioner,
vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

714

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Employers' Insurance Company,
Petitioner,
vs.
Curtis Williams.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

760

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Baltimore & Ohio Railroad Company,
Petitioner,
762 vs.
Scott I. Rader.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Motors Acceptance Corporation,
Petitioner,
763 vs.
Ross H. Coller, Trustee in Bankruptcy of Charles K. Thomas, Doing Business as Henry Motor Freight.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Poland Union,
Petitioner,
764 vs.
First National Bank of Herkimer, Certain Merchandise Creditors of Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Boesch Manufacturing Company, Inc., and the Boesch Felter Corporation,

Petitioners,

766 vs.

United States Hat Machinery Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gloria Laura Morgan Vanderbilt, by Thomas B. Gilchrist, General Guardian of Her Property,

Petitioner,

769 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oswald Jaeger Baking Company,

Petitioner,

771 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. C. Loveland Company, Inc., Owner of the Barge "Fred Smartley, Jr.", Principal, et al.,

Petitioners,

776 vs.

Pennsylvania Sugar Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Franklin Life Insurance Company,

Petitioner,

798 vs.

Mrs. Wiley Hyram Critz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacob Arbetman, Louis Oppenheimer, et al.,

Petitioners,

694 vs.

Reconstruction Finance Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, April 8, until Monday, April 22, next.

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Bentley W. Warren and Charles W. Mulcahy, as Trustees, etc.,

Petitioners,

643 vs.

Howard S. Palmer, et al., etc.

Argument continued by Mr. Erwin N. Griswold for the Petitioners and concluded by Mr. Hermon J. Wells for the Respondents.

Dampskibsselskabet Dannebrog, Claimant, etc., et al.,

Petitioners,

662 vs.

Signal Oil and Gas Company of California.

Argued by Mr. Lane Summers for the Petitioners and Mr. Glenn J. Fairbrook for the Respondent.

Apex Hosiery Company,

Petitioner,

638 vs.

William Leader, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Sylvan H. Hirsch for the Petitioner and continued by Mr. Isadore Katz for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Allen G. Gartner, It is ordered that Neal Earl Williams, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack K. McFall, It is ordered that David Rust Hensley, Esquire, of Montgomery City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee B. Kemon, It is ordered that

Richard K. Parsell, Esquire, of New York, State of New York; and

Gordon C. Willard, Esquire, of Mountain Lakes, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Albert Stern, It is ordered that Harold Robinson, Esquire, of Springfield, State of

Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon M. Dorsey, It is ordered that

James A. Davis, Esquire, of New York,
State of New York; and

Leon Quat, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Hilton Jackson, It is ordered that Mary M. Connelly, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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Apex Hosiery Company,

Petitioner,

638 vs.

William Leader and American Federation of Full Fashioned Hosiery Workers, etc.

Argumend continued by Mr. Isadore Katz for the Respondents and concluded by Mr. Sylvan H. Hirsch for the Petitioner.

J. Steve Anderson,

Petitioner,

682 vs.

Guy T. Helvering, Commissioner of Internal Revenue; and

L. H. Prichard,

Petitioner,

683 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Charles H. Garnett for the Petitioners and by Mr. J. Louis Monarch for the Respondent.

The Colorado National Bank of Denver,

Appellant,

719 vs.

Homer F. Bedford, as Treasurer of the State of Colorado.

Argument commenced by Mr. Walter W. Blood for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Irving Spieler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Richard Callahan, It is ordered that Murray L. Crosse, Esquire, of Washington District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that George Stephens Knight, Esquire, of Livingston, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Walker, It is ordered that Lorenzo Thompson Bennett, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A.

Reed, It is ordered that Paul H. Fox, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

SUPREME COURT OF THE UNITED STATES.

Nos. 2, 3 and 4, Original.—October Term, 1939.

State of Wisconsin, Minnesota, Ohio and Pennsylvania, Complainants,
vs.
State of Illinois and the Sanitary District of Chicago, Defendants. } No. 2, Original.

State of Michigan, Complainant,
vs.
State of Illinois and the Sanitary District of Chicago, et al., Defendants. } No. 3, Original.

State of New York, Complainant,
vs.
State of Illinois and the Sanitary District of Chicago, et al., Defendants. } No. 4, Original.

[April 3, 1940.]

ORDER.

Upon consideration of the return of the States who are complainants in the above entitled causes to the rule issued January 29, 1940, requiring them to show cause why the petition of the State of Illinois for temporary modification of the decree of this Court entered April 21, 1930, and enlarged May 22, 1933, should not be granted, and of the argument had thereon,

It is ordered that the petition of the State of Illinois and the return of the complainant States to the order to show cause be referred to Monte M. Lemann, Esquire, as a Special Master, with directions and authority to make summary inquiry and to report to this Court with all convenient speed with respect to the actual condition of the Illinois Waterway by reason of the introduction of untreated sewage, and whether, and to what extent, if any, that condition constitutes an actual menace to the health of the inhabitants of the complaining communities, and also with respect to the feasibility of remedial or ameliorating measures available to the State of Illinois without an increase in the diversion of water from Lake Michigan.

National Labor Relations Board,

Petitioner,

588 vs.

Bradford Dyeing Association, (U. S.A.), et al.

Suggestion of the dissolution of the Textile Workers Organizing Committee submitted by Mr. George Maurice Morris on behalf of counsel for the Respondent Bradford Dyeing Association (U.S.A.), with leave to the Petitioner to reply thereto by Monday next, on motion of Mr. Charles Fahy for the Petitioner.

The Peoples Gas Light and Coke Company,

Appellant,

809 vs.

William W. Hart, et al., etc.

Motion that mandate issue forthwith submitted by Mr. John A. Kratz on behalf of counsel for the Appellant.

The Peoples Gas Light and Coke Company,

Appellant,

809 vs.

William W. Hart, et al., etc.

ON CONSIDERATION of the motion for immediate issuance of the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the mandate in this case issue forthwith.

Per Mr. Chief Justice Hughes.

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Reed, It is ordered that Paul H. Fox, Esquire, of New York, State of N
be admitted to practice as an Attorney and Counsellor of this Court, a
was sworn accordingly.

The Special Master is authorized to employ stenographic and clerical help, to fix times and places for taking evidence, to issue subpoenas to witnesses, including those of his own selection, and to administer oaths. When the report of the Special Master is filed the clerk of the Court shall cause the same to be printed. The Special Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants and the cost of printing his report shall be charged against and be borne by the parties in such proportions as the Court hereafter may direct.

If the appointment herein made of a Special Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

A true copy.

Test:

Clerk, Supreme Court, U. S.

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al Labor Relations Board,

Petitioner,

vs.

rd Dyeing Association, (U.
et al.

Suggestion of the dissolution of the Textile Workers Organizing
tee submitted by Mr. George Maurice Morris on behalf of counsel for the
dent Bradford Dyeing Association (U.S.A.), with leave to the Petitioner
ly thereto by Monday next, on motion of Mr. Charles Fahy for the Peti-
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oples Gas Light and Coke Company,

Appellant,

vs.

n W. Hart, et al., etc.

Motion that mandate issue forthwith submitted by Mr. John A.
on behalf of counsel for the Appellant.

oples Gas Light and
ompany,

Appellant,

vs.

n W. Hart, et al., etc.

ON CONSIDERATION of the motion for immediate issuance of the
e in this case,

IT IS ORDERED by this Court that the said motion be, and the
s hereby, granted, and that the mandate in this case issue forthwith.

Per Mr. Chief Justice Hughes.

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The Colorado National Bank of Denver,

Appellant,

719 vs.

Homer F. Bedford, as Treasurer of the State of Colorado.

Argument continued by Mr. Walter W. Blood for the Appellant; by Mr. George K. Thomas and Mr. Henry E. Lutz for the Appellee; and concluded by Mr. Walter W. Blood for the Appellant.

Frances Perkins, Individually and as Secretary of Labor of the United States, et al.,

Petitioners,

593 vs.

Lukens Steel Company, et al.

Argued by Mr. Solicitor General Biddle for the Petitioners and by Mr. William Clarke Mason for the Respondents.

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Proclamation being made the Court is adjourned until Monday, April 8, next, at 12 o'clock.

MONDAY, APRIL 8, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connolly, It is ordered that Ben Davis Clower, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that John D. Shoaff, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Edward W. Brockman, Esquire, of Pine Bluff, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that John C. Runkel, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Robert Poage, It is ordered that Edgar Walker Cale, Esquire, of Temple, State

of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Barnes, It is ordered that Bailey Stanton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. Lingamfelter, It is ordered that

Harry G. Johnson, Esquire, of Chicago,
State of Illinois; and

William Sturner, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McCarthy, It is ordered that

Paul J. McGough, Esquire, of Minneapolis,
State of Minnesota; and

Wright W. Brooks, Esquire, of Minneapolis,
State of Minnesota;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome F. Barnard, It is ordered that Harry H. Crane, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Vest, It is ordered that John S. Chapman, Esquire, of Tuckahoe, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry L. Underwood, It is ordered that Herschel L. Main, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Lowell Glenn Bassett, Jr., Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that Smith W. Brookhart, Esquire, of Washington, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Wilson, It is ordered that Gerard D. Connolly, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Forrest M. Darrough, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Elizabeth M. Cox, It is ordered that Anna Boyle, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. S. O. Bland, It is ordered that Russell A. Collins, Esquire, of Newport News, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Arnold W. Knauth, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

767 vs.

Edson T. Wood, Jr., and Gaylord A. Wood, Trustees Under the Last Will and Testament of James H. Baldwin.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

767 vs.

Edson T. Wood, Jr., and Gaylord A. Wood, Trustees Under the Last Will and Testament of James H. Baldwin.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

A. M. Klemm & Son,

Appellant,

823 vs.

The City of Winter Haven, A. M. Hess, as Mayor and as a Member of the City Commission, et al.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Acme Fast Freight, Inc., et al.,
Appellants,

vs.

840

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally

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Ex parte Robert Considine,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

674 vs.

Appalachian Electric Power Company.

ON CONSIDERATION of the motion of the States of Virginia and West Virginia for a continuance of the hearing of this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the case is assigned for argument on Monday, October 14, next.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Gene McCann,

Petitioner,

773 vs.

New York Stock Exchange, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Gene McCann,

Petitioner,

773 vs.

New York Stock Exchange, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Harry Bridges,

Petitioner,

759 vs.

State of California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

783 vs.

Paul R. G. Horst.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hertha J. Sibbach,

Petitioner,

799 vs.

Wilson & Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Montgomery Ward and Company,

Petitioner,

813 vs.

Luther M. Duncan.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The State of Washington on the Relation of Columbia Broadcasting Company,

Appellant,

822 vs.

The Superior Court of the State of Washington for King County, et al.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

The State of Washington on the Relation of Columbia Broadcasting Company,

Appellant,

822 vs.

The Superior Court of the State of Washington for King County, et al.

Appeal from the Supreme Court of the State of Washington.

TREATING the appeal papers herein from the Supreme Court of the State of Washington as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Republic Steel Corporation,

Petitioner,

707 vs.

National Labor Relations Board and Steel Workers Organizing Committee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Central Counsel of Steel Plants, Northern District, Republic Steel Corporation,

Petitioner,

787 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The Lawyers Title Insurance Company, Petitioner,
vs.
Lawyers Title Insurance Corporation.

738

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. J. Kelly, F. H. Dolan and Bax Baxter, et al., Petitioners,
vs.
Anaheim First National Bank and J. V. Hogan, Receiver, Intervenor.

765

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clawson & Bals, Inc., Petitioner,
vs.
Carter H. Harrison, Collector of Internal Revenue in and for the First District of Illinois.

786

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Van Camp Milk Company,
Petitioner,
790 vs.
John P. Frenzel, Jr., Trustee in Bankruptcy of Van Camp Products Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jennings A. Snider,
Petitioner,
794 vs.
LaVerne Moore.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The National Electric Signal Company,
Petitioner,
795 vs.
City of Electra and City of Vernon.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mabel L. Doyle, et al.,
Petitioners,
797 vs.
Mrs. B. F. Loring, Administratrix, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Eagle Fire Insurance Company, et al.,
Petitioners,
802 vs.
June W. Gayle, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Steamship Owners Mutual Protection and Indemnity Association, Inc.,
Petitioner,
806 vs.
The Export Steamship Corporation and American Export Lines, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Dickinson Industrial Site, Inc., a Corporation, etc.,

Petitioner,

386 vs.

Percy Cowan, Edgar N. Greenebaum, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Olin R. Holt,

Petitioner,

711 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, April 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Honorable Robert H. Jackson, Attorney General of the United States, It is ordered that

Edward N. Scheiberling, Esquire, of Albany, State of New York; and

Paris T. Houston, Esquire, of Harrogate, State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Martin Riger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Bernard D. Cahn, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Carl L. Yaeger, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connolly, It is ordered that

Rex G. Baker, Esquire, of Houston,
State of Texas;

James P. Hart, Esquire, of Austin,
State of Texas; and

Sawnie B. Smith, Esquire, of Edinburg,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Arthur Anderson, It is ordered that

C. Edward Leffler, Esquire, of Saint Louis,
State of Missouri; and

J. Dean Leffler, Esquire, of Saint Louis,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that Carl Muskat, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. DeWitt A. Higgs, It is ordered that Eugene W. Miller, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Jacobson, It is ordered that

Sebastian Gaeta, Esquire, of Wyckoff,
State of New Jersey; and

Dominick F. Pachella, Esquire, of Hackensack,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that W. O. Lowe, Esquire, of Knoxville, State

of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Elizabeth M. Cox, It is ordered that Imogen B. Emery, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Nat Tipton, It is ordered that Churchill M. Buck, Esquire, of Blytheville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Fred Taylor, Jr., It is ordered that D. F. Taylor, Esquire, of Osceola, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. A. Keyser, It is ordered that James R. Tritschler, Esquire, of Newark, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh N. Orr, It is ordered that Charles S. Evans, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Hayes, It is ordered that Richard V. Mahabedian, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Curtis H. Waterman, It is ordered that

Helena V. O'Brien, of Framingham, (Miss)
State of Massachusetts;

Miriam C. Sullivan, of Boston, (Miss)
State of Massachusetts; and

Michael H. Sullivan, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Trent McMath, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dan Moody, It is ordered that W. T. Saye, Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Hewen A. Lasseter, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney R. Prince, It is ordered that Marvin H. Taylor, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Daniel B. Allison, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abbot P. Mills, It is ordered that Philip Wittenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerald Jones, It is ordered that John Mercer Johnson, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob N. Wasserman, It is ordered that Roy P. Monahan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Norman L. Meyers, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Byron Thornhill,
Petitioner,
514 vs.
The State of Alabama.

On writ of certiorari to the Court of Appeals of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice McReynolds.

John Carlson,
Appellant,
667 vs.
The People of the State of California.

Appeal from the Superior Court of Shasta County, State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Shasta County, State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the

same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice McReynolds.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

427 vs.

Alfred C. Fuller.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Reed.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

426 vs.

Stephen J. Leonard.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring in the result: Mr. Justice Reed.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

William M. Osborn, Channing F. MacNeil, Lewis C. Adair, et al.,

Appellants,

592 vs.

Thos. W. Ozlin, William Meade Fletcher and Lester Hooker, etc., et al.

Appeal from the District Court of the United States for the Eastern District of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

The United States of America,

Petitioner,

587 vs.

City and County of San Francisco, a Municipal Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby reversed, and the decree of of the District Court affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Black.

Dissenting: Mr. Justice McReynolds.

Harry M. Veix,

Appellant,

567 vs.

Sixth Ward Building and Loan Association of Newark, New Jersey.

Appeal from the Supreme Court of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the Court of Errors and Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice McReynolds concurs in the result.

The Colorado National Bank of Denver,

Appellant,

719 vs.

Homer F. Bedford, as Treasurer of the State of Colorado.

Appeal from the Supreme Court of the State of Colorado.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Union Joint Stock Land Bank of Detroit,

Petitioner,

579 vs.

Carl Byerly.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

Alfred A. Maurer & Marcus W. Myers, Trading as Maurer & Myers Auto Convoy,

Appellants,

380 vs.

William J. Hamilton, Jr., Secretary of Revenue of the Commonwealth of Pennsylvania, et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

The Western Union Telegraph Company,

Petitioner,

597 vs.

Paul Nester and Juan Charles, Co-partners.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

The City of Yonkers,

Petitioner,

542 vs.

Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice McReynolds.

John J. Condon, Mayor, Gustav W. Klein, Jr., First Deputy and Acting Comptroller, and Raymond J. Whitney, City Manager, etc.,

Petitioners,

543 vs.

Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice McReynolds.

John J. Condon, Mayor, Gustav W. Klein, Jr., First Deputy and Acting Comptroller, and Raymond J. Whitney, City Manager, etc.,

Petitioners,

544 vs.

Walter F. Downey, Receiver of the First National Bank and Trust Company of Yonkers, in Liquidation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice McReynolds.

The City of Yonkers, as Trustee Under the Last Will and Testament of Irvin Saunders, of "The Saunders Trade School Fund",

Petitioner,

545 vs.

Walter F. Downey, as Receiver of the First National Bank and Trust Company of Yonkers, New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice McReynolds.

The State of Wyoming,

Complainant,

10, Original
O. T. 1935 vs.

The State of Colorado.

On petition for Rule to Show Cause.

THIS CAUSE came on to be heard on the petition of the State of Wyoming for a rule requiring the State of Colorado to show cause why it should not be adjudged in contempt for violation of the decree in this suit, restraining diversions of water from the Laramie River, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied, costs to be equally divided.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

768 vs.

Center Investment Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

768 vs.

Center Investment Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for findings in the light of the principles established in Helvering v. Bruun, No. 479, decided March 25, 1940, and for findings and decision on the other questions left undetermined by the Board.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel. M. E. Garland,

Appellant,

844 vs.

City of West Palm Beach.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the State Court is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel. F. C. Yeoman,

Appellant,

845 vs.

City of Sarasota.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein

be, and the same is hereby, dismissed for the reason that the judgment of the State Court is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel. M. E. Garland,

Appellant,

846 vs.

City of Sarasota.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the State Court is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

The Superior Court of the State of California, in and for the City and County of San Francisco, et al.,

Appellants,

836 vs.

Ralph W. Evans, as Building and Loan Commissioner of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Roy Moon,

Appellant,

838 vs.

Floyd P. Jones, as County Clerk and Recording Officer of the County of Greene.

Appeal from the Supreme Court of the State of New York, Greene County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Greene County, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The Franklin Society for Home Building and Savings,

Appellant,

862 vs.

John J. Bennett, Jr., as Attorney General of the State of New York, et al.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Bob White,

Petitioner,

87. vs.

The State of Texas.

THIS CAUSE is set for May 20, 1940, in order to afford to the State of Texas the opportunity to present its contentions upon the questions set forth in subdivisions (e), (f), (g), (h) and (j) of paragraph 4 of its petition for rehearing. The case will be heard on briefs and oral argument, or on briefs alone if that is desired, briefs to be filed and served on or before the date above mentioned.

Per Mr. Chief Justice Hughes.

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O R D E R.

IT IS ORDERED that, pursuant to the provisions of Public Resolution No. 50, 76th Congress, approved August 10, 1939, there be transferred $25,000 from the appropriation "Miscellaneous Salaries, United States Courts, 1940", to the appropriation designated "Salaries, Administrative Office, United States Courts, 1940", and that $5,000 be transferred from the appropriation "Miscellaneous Salaries, United States Courts, 1940", to the appropriation designated "Contingent Expenses, Administrative Office, United States Courts, 1940", the above amounts to be in addition to amounts heretofore transferred by order of November 6, 1939.

Per Mr. Chief Justice Hughes.

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Ex parte Albert Leighton,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Samuel White,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte James J. Walsh,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte E. R. Lindsey,

Petitioner.

—

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edgar Smith,

Petitioner,

818 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further

herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Edgar Smith,

Petitioner,

818 vs.

The State of Texas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Criminal Appeals, State of Texas, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Alice T. Yardley,

Petitioner,

819 vs.

Houghton Mifflin Company, Inc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alice T. Yardley,

Petitioner,

819 vs.

Houghton Mifflin Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Federal Communications Commission,

Petitioner,

499 vs.

Sanders Brothers Radio Station.

The opinion in the above case is amended by inserting the word "financially" between the words "be" and "injured", in the last line on page 5, and by striking from the opinion the first full sentence, beginning "In" and ending "remedy", on page 6.

Per Mr. Chief Justice Hughes.

Federal Communications Commission,

Petitioner,

499 vs.

Sanders Brothers Radio Station.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fleisher Engineering & Construction Co. and Joseph A. Bass, Doing Business as Joseph A. Bass Co., et al.,	Order granting petition for rehearing and allowing certiorari.
Petitioners,	
726 vs.	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.
The United States of America, for the Use and Benefit of George S. Hallenbeck, etc.	

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari b and the same is hereby, vacated; and that the petition for writ of certiorar herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Wilson and Co., Inc.,
Petitioner,
778 vs.
The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Wilson & Co., Inc., of Kansas,
Petitioner,
779 vs.
The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

T. M. Sinclair & Company, Limited,

Petitioner,

780 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Nashville, Chattanooga & St. Louis Railway,

Petitioner,

789 vs.

Gordon Browning, et al., Constituting the State Board of Equalization of Tennessee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Tennessee is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

American United Mutual Life Insurance Company,

Petitioner,

814 vs.

City of Avon Park, Florida.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fidelity Union Trust Company, and
Minton H. Twinch, as Executors of
the Last Will and Testament of
Edith M. Peck, Deceased,

Petitioners,

Order allowing certiorari.

815 vs.

Ethel Adelaide Field.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bacardi Corporation of America,

Petitioner,

Order allowing certiorari.

774 vs.

Rafael Sancho Bonet, Treasurer
and Destileria Serralles, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

West India Oil Company (Puerto Rico),

Petitioner,

Order allowing certiorari.

782 vs.

Rafael Sancho Bonet, Treasurer of
Puerto Rico.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Carl A. Hansberry, Nannie L. Hansberry, et al.,

Petitioners,

803 vs.

Anna M. Lee, Edward L. Govanus, Esther Govanus, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

L. Singer & Sons, et al.,

Petitioners,

825 vs.

Union Pacific Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Kansas City, Missouri,

Petitioner,

826 vs.

L. Singer & Sons, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,

Petitioners,

851 vs.

Connecticut Railway & Lighting Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Missouri-Kansas Pipe Line Company,

Petitioner,

748 vs.

Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

Missouri-Kansas Pipe Line Company,

Petitioner,

749 vs.

Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court

that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

C. Franklin Davis,

Petitioner,

792 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Orion N. Steelman and Marshall E. Birkins,

Petitioners,

793 vs.

The Wichita Falls and Southern Railway Company.

On petition for writ of certiorari to the District Court of the United States for the Northern District of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Northern District of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Welch and Wife, S. E. Welch,

Petitioners,

800 vs.

The United States of America, Upon the Relation and for the use of Tennessee Valley Authority.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. A. Lewis, Joseph N. Lewis, W. H. Lewis and J. A. Lewis,
Petitioners,
vs.
The United States of America, Upon the Relation of and for the Use of Tennessee Valley Authority.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

801

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pet Milk Company,
Petitioner,
vs.
Blanche Gray.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

807

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold S. Anderson,
Petitioner,
vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

811

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Angelo A. Corte, Ernest D. Corte, Attilio I. Corte, et al.,

Petitioners,

812 vs.

Albert Miller and Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John P. Squire Company,

Petitioner,

791 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mildred Reed Scales, Joined by James B. Scales, Her Husband,

Petitioners,

810 vs.

The Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dale Van Every,
Petitioner,
820 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company,
Petitioner,
824 vs.
Frank A. Cardillo, Deputy Commissioner, United States Employee's Compensation Commission and John W. Garner.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. P. Osterling,
Petitioner,
827 vs.
The Commonwealth Trust Company of Pittsburgh and John H. Axtell as Executors of the Estate of P. J. Osterling, etc., et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. P. Osterling,

Petitioner,

828 vs.

The Commonwealth Trust Company of Pittsburgh and John H. Axtell as Executors of the Estate of F. J. Osterling, etc., et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. P. Osterling,

Petitioner,

829 vs.

The Commonwealth Trust Company of Pittsburgh and John H. Axtell, as Executors of the Estate of F. J. Osterling, etc., et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. P. Osterling,

Petitioner,

830 vs.

The Commonwealth Trust Company of Pittsburgh and John H. Axtell, as Executors of the Estate of F. J. Osterling, etc., et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lowell Trucking Corporation and Bolta Rubber Co., Inc.,

Petitioners,

831 vs.

Niagara Fire Insurance Company.

On petition for writ of certiorari to the Superior Court in and for the County of Essex, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court in and for the County of Essex, Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Centennial Oil Company,

Petitioner,

832 vs.

W. A. Thomas, Collector of Internal Revenue for the Second Collection District of Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The City of York, Nebraska,

Petitioner,

837 vs.

Iowa-Nebraska Light & Power Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bryan Hunt, Administrator of the Estate of James Cornell, Deceased, et al.,

Petitioners,

855 vs.

Mrs. Viola Seeley, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry H. Woodring, Secretary of War, et al.,

Petitioners,

5 vs.

Justus S. Wardell, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed and Mr. Justice Murphy took no part in the consideration and decision of this application.

Inland Waterways Corporation, et al.,

Petitioners,

6 vs.

Frederick J. Young, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed and Mr. Justice Murphy took no part in the consideration and decision of this application.

Andrew B. Berger, as Receiver, etc.,

Petitioner,

463 vs.

The Chase National Bank of the City of New York;

B. C. Schram, as Receiver, etc.,

Petitioner,

464 vs.

The Chase National Bank of the City of New York;

Justus S. Wardell, as Receiver, etc.,

Petitioner,

465 vs.

The Chase National Bank of the City of New York;

Frederick J. Young, Successor to Cary A. Hardee, as Receiver, etc.,

Petitioner,

466 vs.

The Chase National Bank of the City of New York; and

Otto J. Feucht, et al., as Liquidating Trustees, etc.,

Petitioners,

467 vs.

The Chase National Bank of the City of New York.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Kersh Lake Drainage District, etc., et al.,

Petitioners,

595 vs.

A. J. Johnson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. J. Meredith,

Petitioner,

720 vs.

Fred P. Cone, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles H. Stewart, Jr.,

Petitioner,

722 vs.

Commonwealth of Pennsylvania (City of Jeannette).

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gulf Oil Corporation,

Petitioner,

761 vs.

Joseph D. McGoldrick, Comptroller of the City of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex parte Railroad Commission of Texas, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

Thomas E. Murray, as Receiver, etc.,

Petitioner,

552 vs.

The City of New York, et al.; and

William Roberts, as Receiver, etc.,

Petitioner,

558 vs.

Thomas E. Murray, as Receiver, et al.

Motion further to defer consideration of petitions for writs of certiorari presented.

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Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

Motion that leave be granted Mr. Robert B. Meyner to appear and present oral argument for the defendants, Colburn, et al., pro hac vice, submitted by Mr. Egbert Rosecrans in that behalf.

Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

ON CONSIDERATION of the motion that Mr. Robert B. Meyner be granted leave to appear and present oral argument for the defendants, Colburn, et al., pro hac vice, in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

Argument commenced by Mr. William A. Schnader for the Complainant; continued by Mr. John W. Ockford for the Defendant, State of New Jersey; by Mr. Egbert Rosecrans for the Defendants, Colburn, et al.; by Mr. Robert B. Meyner for the Defendants, Colburn, et al., pro hac vice, by special leave of Court; and concluded by Mr. William A. Schnader for the Complainant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that

Paul L. Anderson, Esquire, of Rogers, State of Arkansas; and

J. G. Moore, Esquire, of Morrilton, State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that James C. Dezendorf, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that J. Tweed McMullen, Esquire, of Clearwater, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Parker Dodge, It is ordered that Albert M. Wiggins, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Martha Robbins Gold, It is ordered that Sylvester Larkin, Esquire, of Marion, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Joe Corman, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. White, It is ordered that Arthur D. Welton, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that George K. Gardner, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph L. Weiner, It is ordered that Irving L. Schanzer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Robert V. Danto, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ex parte Wallace S. Bransford as County Treasurer of Pima County, Arizona, and ex-officio Tax Collector,

Petitioner.

—, Original.

Argued on the motion for leave to file petition for writ of mandamus

and the return to the rule to show cause by Mr. Gerald Jones for the Petitioner and by Mr. J. L. Gust for the Respondent.

The State of Arkansas,

Complainant,

9, Original vs.

The State of Tennessee.

Argued on the exceptions of the Complainant to the report of the Special Master by Mr. D. Fred Taylor, Jr., for the Complainant and by Mr. Nat Tipton and Mr. C. M. Buck for the Defendant.

The United States of America,

Petitioner,

613 vs.

George S. Bush & Co., Inc.

Argument commenced by Mr. Warner W. Gardner for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Harry D. Sporkin, Esquire, of Philadelphia,
State of Pennsylvania;

Glenn Parker, Esquire, of Laramie,
State of Wyoming;

R. Sturgis Ingersoll, Esquire, of Philadelphia,
State of Pennsylvania; and

Charles I. Thompson, Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hard Peterson, It is ordered that

John Cromwell Blocker, Esquire, of Saint Petersburg,
State of Florida; and

Asbury Summerlin, Esquire, of Winter Haven,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. K. Divers, It is ordered that Herman I. Orentlicher, Esquire, of Brockton, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Butler, It is ordered that Fred Wallace McConnell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sager Collier, It is ordered that Irvin Lechliter, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. Howland Chase, 3d., It is ordered that E. Gardner Prime, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Henderson, It is ordered that

Robert P. Irwin, Jr., Esquire, of Philadelphia, State of Pennsylvania; and

George M. Kevlin, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron G. Ehrlich, It is ordered that Oliver Wendell Holmes Hughes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peyton R. Evans, It is ordered that Joseph G. Gorman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

613 vs.

George S. Bush & Co., Inc.

Argument continued by Mr. Warner W. Gardner for the Petitioner and concluded by Mr. George R. Tuttle for the Respondent.

Sontag Chain Stores Co., Ltd.,

Petitioner,

671 vs.

National Nut Company of California.

Argued by Mr. Guy A. Gladson for the Petitioner and by Mr. Hugh N. Orr for the Respondent.

Railroad Commission of Texas, et al.,

Petitioners,

681 vs.

Rowan & Nichols Oil Company.

Argument commenced by Mr. James P. Hart for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. Kunkel, It is ordered that Lewis D. Thill, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph G. Pennoyer, It is ordered that Stephan B. Robinson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Bertie E. Tubaugh, It is ordered that Irene E. Halpern, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Albert B. Griggs, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dixwell L.

Pierce, It is ordered that Harry L. Say, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Stanley, It is ordered that James Morris Bishop, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that

Frank Ewing, Esquire, of New York,
State of New York; and

Henry M. Stevenson, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew M. Hood, It is ordered that W. L. Gates, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Day, It is ordered that William E. Day, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Ralph A. Stevens, Esquire, of Portsmouth, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Donald M. Duson, Esquire, of El Campo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Railroad Commission of Texas,
et al.,

Petitioners,

681 vs.

Rowan & Nichols Oil Company.

Argument continued by Mr. James P. Hart for the Petitioners; by Mr. Dan Moody for the Respondent; and concluded by Mr. James P. Hart for the Petitioners.

Minersville School District, et al.,

Petitioners,

690 vs.

Walter Gobitis, Individually, et al.

Argument commenced by Mr. Joseph W. Henderson for the Petitioners; continued by Mr. Joseph F. Rutherford for the Respondents; and concluded by Mr. George K. Gardner for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Paul W. Potter, Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newell Blair, It is ordered that Richard Serviss, Esquire, of Oxford, State of Ohi be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Stanley, It is ordered that

Louis J. Messano, Esquire, of Jersey City,
State of New Jersey;

Alex. R. DeSevo, Esquire, of Jersey City,
State of New Jersey; and

Frank P. McCarthy, Esquire, of Jersey City,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and the were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Kennar

Cheadle, It is ordered that William J. Burke, Esquire, of Billings, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Hayes, It is ordered that Robert E. Plunkett, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that Thomas W. Henderson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis D. Thill, It is ordered that Rosalie A. Byer, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Paulding Brown, It is ordered that William H. Avery, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States,

Petitioner,

705 vs.

Emmett F. Dickerson.

Argued by Mr. Assistant Attorney General Shea for the Petitioner and by Mr. Herman J. Galloway for the Respondent.

The United States of America,
et al.,

Appellants,

713 vs.

The American Trucking Associations, Inc., et al.

Argued by Mr. Thomas E. Harris for the Appellants and by Mr. J. Minian Beall for the Appellees.

The United States of America,
et al.,

Appellants,

724 vs.

Chicago Heights Trucking Co.,
et al.

Argument commenced by Mr. A. H. Feller for the Appellants and continued by Mr. John R. Turney for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Milton I. Baldinger, Esquire, of Olyphant,
State of Pennsylvania; and

William Garbose, Esquire, of Gardner,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that

Carl A. Phillipps, Esquire, of Washington,
District of Columbia;

Gordon B. Tweedy, Esquire, of New York,
State of New York; and

Walter Lee Tucker, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that

Young H. Fraser, Esquire, of Atlanta,
State of Georgia;

Augustus M. Roan, Esquire, of Atlanta,
State of Georgia;

Wm. S. Shelfer, Esquire, of Atlanta,
State of Georgia; and

John A. Dunaway, Esquire, of Atlanta,
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Clinton D. Vernon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott W. Lucas, It is ordered that Ivan J. Hutchens, Esquire, of Decatur, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence F. Lea, It is ordered that Wallace L. Ware, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Isaac W. Keys, Esquire, of Corpus Christi,
State of Texas; and

Lewis B. Lefkowitz, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Conrad McGovern, It is ordered that

Hugh Akerman, Esquire, of Orlando,
State of Florida; and

William H. Dial, Esquire, of Orlando,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tyler Berry, It is ordered that Stephen Tuhy, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Lyle L. Robertson, Esquire, of Manilla, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, Jr., It is ordered that John Edwards Lockwood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. P. Gore, It is ordered that John Gaines Hervey, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Sternhagen, It is ordered that George E. Ray, Esquire, of Gloucester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Bentley W. Warren and Charles W. Mulcahy, as the Trustees of the Property of Boston and Providence Railroad Corporation,

Petitioners,

643 vs.

Howard S. Palmer, et al., as the Trustees of the Property of the New York, New Haven and Hartford Railroad Company and the Old Colony Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, holding that the District Court of the United States for the District of Connecticut had jurisdiction to grant the lien sought by Respondents, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut.

Per Mr. Justice Reed.

Frances Perkins, Individually and as Secretary of Labor of the United States, et al., Petitioners, vs. Lukens Steel Company, Alan Wood Steel Company, South Chester Tube Company, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

593

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that the judgment of the District Court of the United States for the District of Columbia dismissing the bill in this cause be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Black.

Dissenting: Mr. Justice McReynolds.

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The Chief Justice announced the following orders of the Court:

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W. A. Loving and Carrol Loving, a Co-partnership,

Appellants,

879 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Western District of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

State of Ohio, ex rel. Frank Jonak,

Appellant,

881 vs.

James A. White, Will T. Blake and Clarence H. Knisley, as Members of the Industrial Commission of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte John A. Curtis,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Railroad Commission of Texas, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas E. Murray, as Receiver, etc., et al.,

Petitioners,

552 vs.

The City of New York, et al.; and

William Roberts, Receiver, etc.,

Petitioner,

558 vs.

Thomas E. Murray, as Receiver, etc., et al.

ON CONSIDERATION of the motion further to defer consideration of the petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and consideration is deferred until October 7, next.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Martin J. Bernards and Lena Bernards,

Petitioners,

907 vs.

M. R. Johnson, Catherine Collins, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Martin J. Bernards and Lena Bernards,

Petitioners,

Order allowing certiorari.

907 vs.

M. R. Johnson, Catherine Collins, The United States National Bank of Portland, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John M. Moon,

Petitioner,

854 vs.

The Union Central Life Insurance Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Moon,

Petitioner,

854 vs.

The Union Central Life Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Harpin,

Petitioner,

880 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Harpin,

Petitioner,

880 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

916 vs.

W. J. Chronister, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

916 vs.

W. J. Chronister, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

870 vs.

William L. Hutcheson, George Casper Ottens, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this question.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

843 vs.

Walter C. Janney and Pauline F. M. Janney.

The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Stern Brothers & Co.,

Petitioner,

Order allowing certiorari.

847 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 675, United States of America vs. Stewart.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Township of South Hackensack, in the County of Bergen, etc.,
Petitioner,
805 vs.
Federal Deposit Insurance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Knott Baxter,
Petitioner,
808 vs.
Emory University, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carbon Silk Mill Company,
Petitioner,
816 vs.
George R. Powell and T. McKeen Chidsey, Trustees of Vertex Hosiery Mills, Inc., Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Standard Oil Company,
Petitioner,
841 vs.
John A. Zangerle, Auditor of Cuyahoga County, Ohio, and the Tax Commission of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Norcor Company,
Petitioner,
856 vs.
Joseph J. Schmitt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Life Insurance Company of Alabama,
Petitioner,
857 vs.
Mabel S. Hutcheson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Railroad Credit Corporation,
Petitioner,
885 vs.
Southern Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Banner Machine Company,
Petitioner,
712 vs.
C. F. Routzahn, Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer Ray Lowman,
Petitioner,
785 vs.
The Federal Land Bank of Louisville, Kentucky, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. M. Klemm & Son,

Appellant,

823 vs.

The City of Winter Haven, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

IT IS ORDERED that the call of the docket, except as otherwise directed, be suspended for the Term upon the conclusion of the argument in case No. 789, and that the Court will then take a recess until Monday, May 6

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The United States of America and Interstate Commerce Commission,

Appellants,

724 vs.

Chicago Heights Trucking Co., et al.

Argument continued by Mr. John R. Turney and by Mr. Robert E. Quirk for the appellees and concluded by Mr. A. M. Feller for the appellants

The United States of America,

Petitioner,

715 vs.

Arlene Summerlin, as Ancillary Administratrix, etc.

Argued by Mr. Frederick Bernays Wiener for the Petitioner and by Mr. Asbury Summerlin for the Respondent.

The Sunshine Anthracite Coal Company,

Appellant,

804 vs.

Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas.

Argued by Mr. Henry Adamson for the Appellants and by Mr. Attorney General Jackson for the Appellee.

Securities and Exchange Commission,

Petitioner,

796 vs.

United States Realty and Improvement Company.

Argument commenced by Mr. Solicitor General Biddle for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 30, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Dean Dinwoodey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. A. Meyser, It is ordered that Edwin R. Teple, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross A. Collins, It is ordered that William Wilkinson Dent, Esquire, of Collins, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that J. Theddeus Cline, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T.

Lane, It is ordered that Herbert B. Cohn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Hartfield, It is ordered that Henry M. Marx, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Francis Perkins, Individually and as Secretary of Labor of the United States, et al.,

Petitioners,

593 vs.

Lukens Steel Company, et al.

Motion that the mandate issue forthwith submitted by Mr. Solicitor General Biddle for the Petitioners with leave to the Respondents to file an opposition thereto by Thursday next, on motion of Mr. Wm. Clarke Mason for the Respondents.

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Securities and Exchange Commission,

Petitioner,

796 vs.

United States Realty and Improvement Company.

Argument continued by Mr. Solicitor General Biddle for the Petitioner; by Mr. Joseph M. Hartfield for the Respondent; and concluded by Mr. Henry M. Marx for the Respondent.

Franz J. Borchard and Frieda W. Borchard,

Petitioners,

752 vs.

California Bank and California Trust Company.

Argument commenced by Mr. Lloyd S. Nix for the Petitioners; continued by Mr. Thos. W. Henderson for the Respondents; and concluded by Mr. William Lemke for the Petitioners.

The Nashville, Chattanooga & St. Louis Railway,

Petitioner,

789 vs.

Gordon Browning, et al., Constituting the State Board of Equalization of Tennessee.

Argument commenced by Mr. William H. Swiggart for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James John Hayden, It is ordered that Claiborne Lafferty, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Jarvis Hunt, Esquire, of North Attleboro, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin F. Smith, It is ordered that Charles H. Leavy, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Nashville, Chattanooga & St. Louis Railway,

Petitioner,

789 vs.

Gordon Browning, et al., Constituting the State Board of Equalization of Tennessee.

Argument continued by Mr. William H. Swiggart for the P
er; by Mr. W. F. Barry for the Respondents; and concluded by Mr. Willi
Swiggart for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, May 6, n
12 o'clock.

MONDAY, MAY 6, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that

Donald Gray Slawson, Esquire, of Grand Rapids, State of Michigan; and

Bartel J. Jonkman, Esquire, of Grand Rapids, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott W. Lucas, It is ordered that Bernard Edwin Wall, Esquire, of Bloomington, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren R. Austin, It is ordered that

John A. Danaher, Esquire, of Hartford, State of Connecticut; and

Robert S. Buttles, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seiforde M. Stellwagen, It is ordered that James Bradshaw Mintener, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that William C. Warren, Jr., Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Kramer, It is ordered that Clarence W. Hull, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Frederick L. Orum, Esquire, of Cadiz, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that

James Mango, Esquire, of Newark,
State of New Jersey; and

Leo L. Weinberg, Esquire, of Newark,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry N. Routzohn, It is ordered that Chas. N. Elston, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Delos J. Needham, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Hannah, It is ordered that Ephraim L. Marks, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray W. Nedrow, It is ordered that Bernard M. Spencer, Esquire, of Nebraska City, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice P. Murphy, It is ordered that Jesse L. Brightwell, Esquire, of Monticello, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Barnes Boyer, It is ordered that Hanse H. Hamilton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Scott Macgill, Jr., It is ordered that Frank P. Dunnington, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Brearley, It is ordered that

James M. Brearley, Esquire, of Washington, District of Columbia; and

William G. Wiles, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kelly, It is ordered that Henry Kirk Greer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Gibson, It is ordered that George C. Wildermuth, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peter J. Connolly, It is ordered that Charles Neill, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Hayes, It is ordered that Lulu Seifert DeMay, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. D. Roland Potter, It is ordered that Nathaniel J. Harben, Esquire, of Marshall, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph H. Dwan, It is ordered that Sam W. Campbell, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that James Stanley Bassett, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Paul Joseph Wimsey, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that Joe B. Tye, Esquire, of Marshalltown, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly..

On motion first made to the Court in this behalf by Mr. Arthur M. Hahn, It is ordered that Merwin F. Ashley, Esquire, of Boston, State of Massacusetts, be admitted topractice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that

Samuel Stratton Jennings, Jr., Esquire, of New York, State of New York; and

Carrol C. Bryan, Esquire, of New York, State of New York;

be admitted topractice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Conrad McGovern, It is ordered that J. Franklin Garner, Jr., Esquire, of Lakeland, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Mastin E. Geschwind, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Daniel S. Beeler, Esquire, of Rutledge, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that George G. Shapitric, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Parsons, It is ordered that Richard Musenbrock, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold W. Starr, It is ordered that Thomas M. Quinn, Jr., Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Albert P. Wheatley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore L. Bartlett, It is ordered that

John Adams Hartman, Esquire, of Windber,
State of Pennsylvania; and

John Adams Hartman, Jr., Esquire, of Windber,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Andrew Stone Martnett, Esquire, of Stafford State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,
Petitioner,
346 vs.
Socony-Vacuum Oil Company, Inc., et al.;
and
Socony-Vacuum Oil Company, Inc., et al.;
Petitioners,
347 vs.
The United States of America.

On writ of certiorari and Cross writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and that the judgment of the District Court of the United States for the Western District of Wisconsin, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Douglas.

The Chief Justice and Mr. Justice Murphy did not participate in the consideration or decision of this cause.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds concurs.

Herbert Tignor, Appellant, vs. The State of Texas. — Appeal from the Court of Criminal Appeals of the State of Texas.

635

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice McReynolds.

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The Chief Justice announced the following orders of the Court:

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Southern Service Company, Ltd., Appellant, vs. County of Los Angeles and City of Los Angeles. — Appeal from the Supreme Court of the State of California.

915

THIS CAUSE came on to be heard on the transcript of the record

from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

B. J. Wynne, A. M. Lockett & Company, Ltd., et al.,
Appellants,
921 vs.
The State of Texas.

Appeal from the Supreme Court of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Railroad Commission of Texas, et al.,
Appellants,
930 vs.
Humble Oil and Refining Company.

ON CONSIDERATION of the motion for a stay of the enforcement and execution of the injunction issued by District Court of the United States for the Western District of Texas in this cause,

IT IS ORDERED by this Court that the enforcement of the injunction in this cause be, and the same is hereby, stayed until action upon the statement as to jurisdiction.

Per Mr. Chief Justice Hughes.

Ex parte W. J. Meredith, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for a temporary restraining order pending the motion for leave to file a petition for a writ of mandamus, presented to Mr. Justice Frankfurter and referred by him to the Court,

IT IS ORDERED by this Court that the said motion for a temporary restraining order herein be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte R. L. Scott,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frances Perkins, Individually and as Secretary of Labor of the United States, et al.,

Petitioners,

593 vs.

Lukens Steel Company, Alan Wood Steel Company, South Chester Tube Company, et al.

ON CONSIDERATION of the motion of Mr. Solicitor General Biddle that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

821 vs.

First Joint Stock Land Bank of Fort Wayne, Indiana, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

821 vs.

First Joint Stock Land Bank of Fort Wayne, Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William G. Crockett,

Petitioner,

848 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William C. Crockett,

Petitioner,

848 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thaddeus Deatherage and Louis Deatherage,

Petitioners,

937 vs.

Clyde I. Plummer, Warden, Folsom Prison, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thaddeus Deatherage and Louis Deatherage,

Petitioners,

937 vs.

Clyde I. Plummer, Warden, Folsom Prison, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter H. Rhodes,

Petitioner,

964 vs.

The State of Iowa.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter H. Rhodes,

Petitioner,

964 vs.

The State of Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

905 vs.

May Harris, alias Kitty Harris.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

906 vs.

Marie Kenny, alias Marie Rickert,

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Federal Communications Commission,

Petitioner,

vs.

Columbia Broadcasting System of California, Inc.

Order allowing certiorari.

864

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Federal Communications Commission,

Petitioner,

vs.

The Associated Broadcasters.

Order allowing certiorari.

865

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

C. E. Stevens Company, C. E. Stevens Tacoma Company and C. E. Stevens Company of Oregon,

Petitioners,

vs.

Foster & Kleiser Co., George W. Kleiser, P. Foster, et al.

Order allowing certiorari.

867

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 870, The United States of America v. Hutcheson, et al.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles Peyton West and Maurice John West,

Petitioners,

888 vs.

American Telephone and Telegraph Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument immediately following No. 815, Fidelity Union Trust Co., et al., vs. Field.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles Peyton West and Maurice John West,

Petitioners,

889 vs.

American Telephone and Telegraph Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument immediately following No. 888, West vs. American Telephone and Telegraph Co.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles T. Fisher and Sarah W. Fisher,
Petitioners,
871 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Julian W. Fretwell,
Petitioner,
882 vs.
Gillette Safety Razor Company.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Julian W. Fretwell,
Petitioner,
882 vs.
Gillette Safety Razor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

British-American Tobacco Company, Ltd.,

Petitioner,

817 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Colorado Serum Co.,

Petitioner,

834 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southwestern Serum Company,

Petitioner,

850 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Federation of Railway Workers,
Petitioner,
842 vs.
National Mediation Board, Brotherhood Railway Carmen of America, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marguerite Hubbard,
Petitioner,
849 vs.
Matson Navigation Co., et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Bess T. Orendorf, et al.,
Petitioners,
852 vs.
Fayette Farms, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Barbour,

Petitioner,

858 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ben Rebhuhn, Ann Rebhuhn and Ben Raeburn,

Petitioners,

859 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. M. Williams, Administrator of the Estate of Marshall H. Williams,

Petitioner,

860 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Texas Natural Gas Utilities,
Petitioner,
866 vs.
City of El Campo, Texas, J. S. Carroll, as Mayor and Member of the City Council of the City of El Campo, Texas, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 1st Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lawrence Ellis Walton,
Petitioner,
869 vs.
Sutton & Company, Inc.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Metropolitan Life Insurance Company,
Petitioner,
878 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Good Coal Company,
Petitioner,
884 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gene McCann,
Petitioner,
773 vs.
New York Stock Exchange, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

The Court will take a recess from today until Monday, May 20; from that day until Monday, May 27, and from that day until Monday, June 3, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

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Ex parte W. J. Meredith, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

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Proclamation being made the Court is adjourned until Monday, May 20, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

John T. M. Reddan, Esquire, of Washington, District of Columbia;

James P. O'Brien, Esquire, of Washington, District of Columbia; and

Charles R. Cabrera, Esquire, of San Francisco, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and th were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Shea, It is ordered that

C. Girard Davidson, Esquire, of Lafayette, State of Louisiana; and

Maurice W. Hibschman, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and th were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that -

H. Nathan Swaim, Esquire, of Indianapolis,
State of Indiana;

Gilbert Shake, Esquire, of Vincennes,
State of Indiana; and

Curtis G. Shake, Esquire, of Vincennes,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Charles Eugene Raymond, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chas. L. South, It is ordered that Roy L. Walker, Esquire, of Lampasas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Cooper K. Ragan, Esquire, of Houston,
State of Texas;

Oliver C. Aldrich, Esquire, of Edinburg,
State of Texas; and

Wm. J. Fanning, Esquire, of Sulphur Springs,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that Frank M. Mayfield, Esquire, of Lexington, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Douglas McKellar, It is ordered that

G. Henry Tyne, Esquire, of Nashville,
State of Tennessee; and

John Lacey Reynolds, Esquire, of Nashville,
State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore D. Peyser, It is ordered that Lyman Copins, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Danaher, It is ordered that David Hammerman, Esquire, of Wethersfield, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Gregory P. Mauchart, Esquire, of Los Banos, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby S. Faulkner, It is ordered that Walter S. Alt, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that

Edmund S. Ruffin, Jr., Esquire, of Pittsburgh, State of Pennsylvania; and

Carleton M. Crick, Esquire, of Pittsburgh, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julian C. Straus, It is ordered that Morris Lavine, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde T. Ellis, It is ordered that Virgil D. Willis, Esquire, of Harrison, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Leavy, It is ordered that Charles Alexander McCabe, Esquire, of Pomeroy, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Byrne Chamberlin, It is ordered that Henry Bennett Chamberlin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that F. S. K. Whittaker, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Farrelly, It is ordered that John F. Woods, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Wallace H. Martin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Clephane, It is ordered that Robert J. Patterson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo A. Rover, It is ordered that Thomas A. Courtney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Miller, It is ordered that Francis Riggs Cawley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Delos J. Needham, It is ordered that John R. Mistner, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh S. Smith, It is ordered that Myron C. Cramer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard B. Levinson, It is ordered that Leo Resnick, Esquire, of McAlester, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Lenore D. Underwood, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Louis A. Cravello, It is ordered that Michael Mavran, Esquire, of East Chicago, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Myron Parker, It is ordered that Milton Jacobs, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence W. Gunther, It is ordered that Robert B. Mullaney, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Joseph V. Kline, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde B. Aitchison, It is ordered that Hiram Claire Bond, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

William R. Consedine, Esquire, of Washington, District of Columbia; and

Lester M. Levin, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Robert H. Davison, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that

Samuel James Gerson, Esquire, of Dayton, State of Ohio; and

Eldon Ferdinand Hoerner, Esquire, of Dayton, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gilmore Beely, It is ordered that Crofford Warren Bridges, Esquire, of Bakersfield, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Gibson, It is ordered that William M. Sutherland, Esquire, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Ehrlich, It is ordered that Richard L. Tedrow, Esquire, of Washington, Dis-

trict of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan Cayton, It is ordered that Loretta M. Coots, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Talma L. Smith, It is ordered that Walter A. Graham, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mr. Attorney General Jackson addressed the Court as follows:

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Mr. Chief Justice and Associate Justices:

The Bar of the Supreme Court has delegated me to lodge in your keeping its proceedings in memory of Mr. Justice Butler. By resolution it has expressed its high estimate of his life and services. The resolutions adopted by the Bar read as follows:

> At a meeting of the members of the Bar of the Supreme Court of the United States held on January 27th, 1940, to take appropriate action following the death of Mr. Justice Butler, the Committee appointed by the Solicitor General reported this Minute for submission to the meeting:
>
> Pierce Butler's life story is an epic of America. From his birth on a small Minnesota farm to the day of his death while a Justice of the Supreme Court of the United States his record was one of obstacles surmounted, of professional distinction achieved, and of merit appropriately rewarded.
>
> His father and mother, Irish immigrants from County Wicklow, had settled in Dakota County, Minnesota, where they lived the life of pioneer farmers. They reared a family of eight children, of whom the future jurist was one. He was born on St. Patrick's day (March 17th), 1866. Strong of body and of vigorous mind, he dominated his environment and used its limitations as opportunities for self-development. A country school-teacher at sixteen, he qualified for admission to Carleton College at Northfield, Minnesota, from which he was graduated in 1887. During his student days he did farm chores early and late, and in the daily interval rode a farm horse to school. Having determined to become a lawyer, he moved to Saint Paul and in 1888 was admitted to the bar.

His abilities were early recognized, and after serving for two years as an assistant he became the County Attorney of Ramsey County. In this way he acquired proficiency in the art of the successful trial lawyer and was noted for his capacity to win the confidence of all the diverse elements of which local juries were composed.

In 1897 he began the general practice of the law. Here again his character and ability made their mark and important clients were eager to retain him. While throughout his career he represented great railroads and other powerful corporations and became in this sense a corporation lawyer, he never sacrificed his independence of judgment and it was always he who dominated the client. His professional services were often placed at the disposal of the Government and he figured in many important cases arising under the Anti-Trust Laws and the Railroad and Utility Statutes. He was of the sort that men instinctively trust. He became one of the notable figures in the life of the great Northwest. When it was known that he was to appear the court room was wont to be crowded with people eager to hear him and to see him in action.

He had great energy, prodigious memory and large capacity for logical thinking. His character was a unit without internal stress. There was inherent a belief that there exists a philosophical rightness and he sought to apply it to each matter in hand. A skillful legal tactician, his sole strategy was to drive forward unswervingly in the direction which he regarded as the right one. Expediency never justified retreat or indirection.

As senior member of the firm of Butler, Mitchell and Doherty, he was constantly at work and always with notable fidelity to court and client. For the five years from 1913 to 1918 he served as a member of the Committee of Counsel for the Federal Valuation of Railroads. In 1919 he was of counsel for shareholders in proceedings in Canada under the Canadian Northern Acquisition Act. Later he was appointed one of the counsel for the Dominion of Canada in the Arbitration at Montreal held under the Grand Trunk System Acquisition Act. In this proceeding William H. Taft sat as one of the arbitrators. Although Mr. Taft dissented from the decision supporting the views urged by Mr. Butler, their association let to a warm friendship. The acquaintance with his powers and fairness gained in the course of that association doubtless was a factor in Chief Justice Taft's later recommendation of Mr. Butler for appointment to the Supreme Court when a vacancy was caused by the retirement of Mr. Justice Day. It was on November 23, 1922, while he was serving as counsel in the Toronto Railway Arbitration, that he, a Democrat, was nominated by President Harding to be an Associate Justice of the Supreme Court of the United States. The nomination not having been acted upon at that session of Congress, the President re-nominated him on December 5, 1922. He was confirmed by the Senate on December 21, 1922, and on the 2nd of January, 1923, the judicial oath was administered and he took his seat upon the bench.

During his seventeen years of service on the Court he saw his country pass through an era of unstable prosperity and into a period of resulting depression. Under such circumstances it was not surprising that many should lose faith in the soundness of the American tradition; but with such a life story behind him, it was inevitable that the faith of Mr. Justice Butler should never waver. He had, indeed, that capacity for deep emotion which was his by inheritance, but his experience had taught him to think realistically.

Fearful of the rule of men in place of the rule of law, he appealed to the accumulated body of the law as a continuous social expression and not as what might appear at a particular time to be enlightened social self-interest. He did not believe that the law is merely what the judges may from time to time say it is. He believed that there is a law that is greater than the judges and he was zealous to avoid its misapplication merely because the end in view appeared at the moment to be desirable.

He had faith in the power of objective reasoning and in the intellectual integrity of man, with correlative responsibility of the individual to develop himself and pursue the course that to him seemed right. This faith in the individual man was expressed by resistance to any attempted infringement of the bill of rights, and, in the absence of constitutional amendment, to centralization of government and to extension of its powers over the individual. He felt that greater material welfare under a paternal government — if possible of achievement — rather than ennobling the citizen would debase him by destroying his integrity and denying his will to exercise his moral and intellectual forces. He refused to concede that the individual is a helpless creature of an environment built by others, and opposed the kind of humanitarianism that would relegate him to that position.

It would be out of place in this Minute to attempt an analysis of his judicial opinions. That will follow in due course. Suffice it to say here that during all the years of his service he contributed to the Court not merely sound learning and ripe experience but calm judgment and the stabilizing influence of tested character.

While Mr. Justice Butler was a man of deep conviction, he could differ from other men without losing their good will. He was far from being a bitter partisan. Rather he was a man of generous sympathy and broad comprehension. His friends included old and young alike. Institutions of learning conferred honorary degrees upon him. The law students of Georgetown University named a law club in his honor. An American in the best sense of the word, he retained throughout his life an affectionate regard for the land of his ancestors. A visit to Ireland in 1934 was esteemed by him to be one of the happiest episodes in life. He was a lover of outdoor life and on his farm in Maryland sought refreshment of spirit — whenever the rigorous round of judicial duties permitted.

The land and people of Minnesota remained close to him, and he carried with him great and irreplaceable knowledge of the history of the Northwest, gathered from his own youthful experiences, from delighted reading of earlier days, and from wide personal knowledge of most of its later leaders and characters. The mention of a name would start a flow of reminiscence and anecdote reaching back into the development of that country, all full of the color of its personalities.

The domestic life of such a man was certain to approximate the ideal. Happily married and deeply devoted to wife and children, his was a Christian household characterized by plain living and high thinking. He was a devoted member of the Roman Catholic Church. The reality of his religion brought him comfort at times of domestic affliction. The high pressure of judicial work and disease common to advanced years overcame the powerful physique which was his by inheritance and conservation. After a brief illness he died in Washington on November 16, 1939. At his funeral in St. Matthew's Cathedral all sorts and conditions of men attended in silent tribute to his memory. Today representative members of the Bar of the Supreme Court of the United States are in

their turn witnessing to their admiration and affectionate regard for one whose simple godliness and faithful public service endeared him to all who came within the circle of his influence.

Resolved, that the foregoing Minute be adopted; that a copy of it be transmitted to the Attorney General of the United States for presentation to the Court and that the Chairman of this meeting be directed to forward a copy of it to the family of Mr. Justice Butler.

Men eminent in the legal profession, former associates in the practice of the law, and public leaders have paid him eloquent and affectionate tribute. All of these tributes I offer for your records.

I should not presume to add words of my own, except that the proceedings are lacking in one viewpoint which I should be qualified to supply.

I knew Pierce Butler only as a Justice of this Court. He had reached the full maturity of his great intellectual powers. He was too earnest and forthright to wish me even on such an occasion to deny or minimize the conflict which your reports witness between the general philosophy I have advocated here and much of that to which he was so consistently devoted. But across that gulf, which always exists between two men who regard each other as representing ominous trends, I felt the strength, the warmth, and the sincerity of a great character — one of the most firm and steady men I have known.

His character was shaped by a hard way of life that left lasting convictions and attitudes in men who experienced it. Existence in a pioneer country, where nature is often hard and hostile and the competition of the elements is relentless, presents the choice between courage and self-discipline — or extinction. It offers a simple and rugged society in which place is won and held only by will and work and worth. It develops intense love of liberty and hatred of restraint and a self-reliance that does not know how to dodge, and never fears to stand firmly and, if need be, alone. These were the primary characteristics of Mr. Justice Butler.

To them he added an accumulation of learning and experience and legal abilities which won for him the respect of all shades of opinion at the Bar. In many cases here I feared his

interrogations more than the argument of my adversary. He knew his way among the intricate procedures of the law. He knew from long experience the arts of advocacy. He could sense the point in an argument where the most candid advocate is tempted to stop a little short of a complete revelation, and he knew where there was an urge to over-emphasis. His questions from the bench cut to the heart of our cases. He could use his ready wit, his humor, his sarcasm, or his learning with equal ease and skill. He was relentless in bringing the lawyer face to face with the issues as he saw them. I think I never knew a man who could more quickly orient a statement of facts with his own philosophy. When the facts were stated the argument was about over with him — he could relate the case to his conceptions of legal principles without aid of counsel.

Even if it were otherwise appropriate, I have neither the perspective nor the detachment necessary to appraise the place that his work as a Justice will take in the annals of this Court. Time only will write the verdict on its permanence and its significance. He has left a body of deliberate comment and seasoned judgment on the problems that have vexed this Court, as well as government and society, during his judicial life. The future will have no difficulty learning what he meant and what he stood for. A man of no subtlety or sham, he pronounced his judgments without finesse, indirection, or obscurity. He has recorded the measure of his disagreement with the currents, and his deep anxiety about the drifts of our time.

If only time can judge the verity of his work it is equally true that only contemporaries can appraise the verity of his character. While the future will find that his work will speak for itself, it will turn to the testimony of contemporaries to learn the elusive qualities of the man.

For those who shall ask "What of the man?" we may record that in the memory of those who sought to win him in argument he will stand out as an impressive and formidable figure even among associates in whom those qualities were by no means rare. His judicial attitude was not one of frosty neutrality, but one of intensity and certitude of conviction on basic philosophies of life

and society and law and government. He had no merely negative standard of goodness; experience and conviction committed him to profound affirmations, and he exemplified them unceasingly and with power. Among the public men of my time, I have known no one of more affirmative and immovable and masterful character than Mr. Justice Butler.

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The Chief Justice said:

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Mr. Attorney General:

The resolutions you have presented on behalf of the Bar fittingly epitomize the traits of character and outstanding achievements of an eminent advocate and judge — who would have considered this tribute by his professional brethren as the best possible reward for his long and arduous service.

The early environment of Pierce Butler suited his ambition and talent. It was not ill forture that in his childhood and youth he had to meet the rigorous demands of pioneer life in the northwest; that he had to win by self-denial and strenuous exertion the educational advantages which seem slender indeed as compared with the abundance of a later day. For he was in the midst of the opportunities of a fast developing community, where the very air quickened endeavor and the abilities and eager efforts of those endowed with physical and mental vigor received almost instant recognition. It was not ill fortune that he began the practice of the law in Saint Paul at a time when great enterprises were in the making, when legal talent held the key to a career of distinction and the standards of Bench and Bar were as high as in the older eastern States.

The opportunities for practice had a most desirable variety, but, in accord with the traditions of the Bar, the highest prizes were to be won in the field of advocacy. Pierce Butler by temperament and aptitude was especially fitted for the contests of the forum. He had the fighting instinct, and his training developed rare skill in the use of the advocate's weapons. He soon had opportunity for public service as prosecuting attorney, and thus early

secured wide recognition of his unusual talents. Favored by nature with a powerful physique, and with a distinguished mien aided by a deliberate and impressive manner of speech, he became a respected but dreaded antagonist. He was not content with showy and superficial successes with juries. He aimed at a thorough knowledge of the law and a complete mastery of facts, which especially commended him to the higher courts. He had a passion for exactness. He was not addicted to subtlety and he hated pretense. He recognized just authority. He was faithful to every trust. He was rigorous in his self-discipline and spared no effort to realize his ideal of the careful and exact adviser, the zealous but accurate advocate, the intrepid vindicator of what he conceived to be the legal rights of those whose causes he espoused.

It is not extraordinary that with the natural advantages of a noble bearing, with his indomitable will and courage both in attack and defense, with his unflagging industry and devotion to what he believed to be justice according to law, he rapidly rose to eminence, and his expert advice and assistance were sought in matters of the gravest importance of both private and public concern. There are not wanting those who disparage the training and experience of the successful advocate, ignoring the fact that among the varied activities of our democratic society there exists no harder school of discipline, no wider opportunity for the study of human relations or for the detection of faults and abuses, no more insistent demand for a sound practical judgment and for rectitude and fair dealing, than are found in the exacting daily work of the legal practitioner who tries to live up to the ethical standards of the best traditions of the Bar and thus to win the highest professional esteem which is denied to the trickster and shallow pretender however/otherwise apparently successful.

It was with these qualities, and with that reputation, that Pierce Butler came to this Court at the height of his powers. He had already shown at this bar his exceptional skill and thoroughness in the presentation of cases. In the Minnesota Rate Cases (230 U.S. 352), he presented one of the ablest, most comprehensive and most careful

briefs ever submitted to this Court. On the bench, he at once demonstrated an extraordinary capacity for the sustained judicial labor which our work demands, and to the last he was faithful in every task, indefatigable, fearless, conscientious. At the conference table, he was ever ready to present and defend his views with keenness, always with earnestness, and not infrequently with the thrusts of wit and eloquence which brought vivid reminders of forensic battles. He was thoroughly prepared by close study of records and, endowed with an extraordinary memory, he justly took pride in his ability to marshal facts and precedents in the most impressive manner.

It was natural that with his success in winning his way to distinction in an expanding community, with his appreciation of liberty and law, he should have been eager to conserve both the essential authority of government and the freedom of enterprise. The former was necessary in order to insure the latter. His conservatism was rooted in profound religious convictions. It was always manifest that he had definite principles and he had no sympathy for those whose only principle was to be without principle. Cherishing the ideals of authority and certainty, he demanded adherence to precedent and deplored what he considered to be an undue flexibility in constitutional interpretation. As he put it, "Generally speaking, at least, our decisions of yesterday ought to be the law of today." He was a strong defender of the conception of property rights which he believed to be secure by the accepted construction of the due-process clause. He believed in that conception as an essential stimulus to effort and as holding a better promise of social progress than governmental plans involving restriction of individual initiative. He believed in the right to choose one's calling, to pursue it unfettered, so far as consistent with good order and the equal rights of others, and to maintain and hold the material rewards of honest endeavor. In short, he sought to keep open the traditional path to individual achievement which he himself had trod.

While solicitous for the public order and the authority of law, he was equally a stickler for the rights of those accused of crime to be protected against the abuses of authority. He was

zealous for the maintenance of just government but vehemently opposed to any action under any guise which he deemed to be arbitrary and capricious. He expressed his thought in the words of one of his opinions, which was quoted in one of the addresses at the meeting of the Bar: "Abhorrence, however great, of persistent and menacing crime will not excuse transgression in the courts of the legal rights of the worst offenders." (United States v. Motlow, 10 F.(2d) 657, 662.) And in his dissent in the first wire-tapping case, he thus voiced his conception of the appropriate interpretation of the great clauses of the Constitution for the safeguarding of personal liberty: "This Court has always construed the Constitution in the light of the principles upon which it was founded. The direct operation or literal meaning of the words used do not measure the purpose or scope of its provisions. Under the principles established and applied by this Court, the Fourth Amendment safeguards against all evils that are like and equivalent to those embraced within the ordinary meaning of its words. That construction is consonant with sound reason and in full accord with the course of decisions since McCulloch v. Maryland." (Olmstead v. United States, 277 U.S. 438, 487, 488.)

And with these views which I have endeavored briefly to interpret, — as I think he would wish them expressed — he wrought to the end, — a man of deep-seated convictions, religious and political, with unfailing loyalty to basic principles as he conceived them, — a personality of rare force and determination, and yet with the kindliest disposition, the most generous sympathy, the warmest heart.

It is not for us to speak of the sorrows that afflicted him, of his fortitude in severe trials, of the depth of his affection for those united to him by the strongest human ties. In the midst of judicial responsibilities which he was fully sharing with us, we were keenly aware of the private burdens which pressed upon him and were so bravely borne.

We mourn the loss of a great co-laborer. As the scenes of particular controversies swiftly shift, there abides the treasured

memory of strength, of trained talent industriously applied, of unswerving integrity and fidelity, — the virtues of the just judge, always an exemplar and an inspiration, — the virtues which make secure the foundations of the temple of justice.

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J. Steve Anderson,

Petitioner,

682 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

L. H. Prichard,

Petitioner,

683 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

The United States of America,
Petitioner,
613 vs.
George S. Bush & Co., Inc.

On writ of certiorari to the United States Court of Customs and Patent Appeals.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Customs and Patent Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Customs and Patent Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Customs and Patent Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice McReynolds.

The Sunshine Anthracite Coal Company,
Appellant,
804 vs.
Homer M. Adkins, as Collector of Internal Revenue for the District of Arkansas.

Appeal from the District Court of the United States for the Eastern District of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice McReynolds.

The Nashville, Chattanooga & St. Louis Railway,
Petitioner,
789 vs.
Gordon Browning, et al., Constituting the State Board of Equalization of Tennessee.

On writ of certiorari to the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Ex parte Wallace S. Bransford, as County Treasurer of Pima County, Arizona, and ex-officio Tax Collector,

Petitioner.

—, Original.

On motion for leave to file petition for writ of mandamus.

THIS CAUSE came on to be heard on the motion for leave to file a petition for writ of mandamus and on the return to the rule to show cause thereupon issued, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file a petition for writ of mandamus herein be, and the same is hereby, denied.

AND IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Justice Reed.

National Labor Relations Board,

Petitioner,

588 vs.

Bradford Dyeing Association (U.S.A.) et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with

directions to enforce the order of the National Labor Relations Board without conditions or qualifications.

Per Mr. Justice Black.

Mr. Justice McReynolds took no part in the consideration or decision of this case.

The United States of America and Interstate Commerce Commission,

Appellants,

724 vs.

Chicago Heights Trucking Co., et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Jesse Cantwell, Newton Cantwell and Russell Cantwell,

Appellants,

Jesse Cantwell,

Petitioner,

632 vs.

The State of Connecticut.

Appeal from and certiorari to the Supreme Court of Errors of the State of Connecticut.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause affirming the convictions on the third and fifth counts be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby,

remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Franz J. Borchard and Frieda W. Borchard,

Petitioners,

752 vs.

California Bank and California Trust Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Sontag Chain Stores Co., Ltd.,

Petitioner,

671 vs.

National Nut Company of California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings consistent with the opinion of this Court.

Per Mr. Justice McReynolds.

Dampskibsselskabet Dannebrog, Claimant of the Motorship "Stjerneborg," et al., Petitioners,

662 vs.

Signal Oil and Gas Company of California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Washington.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court;

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The Eavey Company, The Harris Produce Co. and Charles O. Sutton, Appellants,

943 vs.

Department of Treasury of the State of Indiana, et al.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Joseph Murphy,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte W. J. Meredith,

Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Montgomery Ward and Company,

Petitioner,

813 vs.

Luther M. Duncan.

ON CONSIDERATION of the motion of the Respondent to dismiss the writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rebecca Shelley,

Petitioner,

1003 vs.

The United States.

ON CONSIDERATION of the application of the petitioner to expedite the consideration of the petition for certiorari in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

901 vs.

The Union Central Life Insurance Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

Order allowing certiorari.

901 vs.

The Union Central Life Insurance Company, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John H. Morse,

Petitioner,

727 vs.

Lalla T. Bragg.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Morse,

Petitioner,

727 vs.

Lalla T. Bragg.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grantham I. Taggart,

Petitioner,

951 vs.

Edmund H. Abraham, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grantham I. Taggart, Esquire,

Petitioner,

951 vs.

Edmund M. Abraham, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Isaiah Cook and Henrietta Harold, et al.,

Petitioners,

970 vs.

Armour and Company and Metropolitan Life Insurance Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Isaiah Cook and Henrietta Harold, et al.,

Petitioners,

970 vs.

Armour and Company and Metropolitan Life Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 vs.

The Warrich Corporation and Robert Eiger, Doing Business Under the Name of Eiger Realty Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 vs.

The Warrich Corporation and Robert Eiger, Doing Business Under the Name of Eiger Realty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Claud E. Spivey,

Petitioner,

911 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Claud E. Spivey,

Petitioner,

911 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry B. Malpuss,

Petitioner,

952 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry B. Malpuss,

Petitioner,

952 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New World Life Insurance Company, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

417

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari entered November 22, 1939, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the second question presented thereby.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Republic Steel Corporation, Petitioner, vs. National Labor Relations Board and Steel Workers Organizing Committee. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

707

A motion for leave to file a petition for rehearing and petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, dated April 8, 1940, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the fourth question therein presented, which relates to the work relief provisions of the decree below: Provided that this order shall not operate to suspend the remaining provisions of the decree.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin,

Petitioners,

892 vs.

J. C. Penney Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Wisconsin is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin,

Petitioners,

893 vs.

F. W. Woolworth Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Wisconsin is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin,

Petitioners,

894 vs.

Minnesota Mining and Manufacturing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Wisconsin is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

Godfrey Hammel and Pearl Hammel.

Order allowing certiorari.

895

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

J. E. Riley Investment Company,

Petitioner,

vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

897

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

vs.

Salvatore Falcone, Joseph Falcone, Henry Alberico, et al.

Order allowing certiorari.

868

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Donald S. McClain,

Petitioner,

914 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 895.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

American Federation of Labor,
John Fitzpatrick, et al.,

Petitioners,

929 vs.

Ross W. Swing, et al.

ON CONSIDERATION of the motion to use the certified record filed in case No. 615 as a part of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

American Federation of Labor, John Fitzpatrick, Chicago Federation of Labor, et al.,

Petitioners,

929 vs.

Ross W. Swing, Irene Boivin, Nan Chapman, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

946 vs.

S. C. Thomson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 914.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

District of Columbia,

Petitioner,

944 vs.

James J. Sweeney.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied in view of the fact that the tax is laid under a statute which has been repealed and the question is therefore not of public importance.

Per Mr. Chief Justice Hughes.

International Art Company, et al.,

Petitioners,

908 vs.

Federal Trade Commission.

ON CONSIDERATION of the motion to use the record printed for the Circuit Court of Appeals in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

International Art Company, American Discount Company and John C. Kuck,

Petitioners,

908 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Brownstein-Louis Company,

Petitioner,

833 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harris Trust and Savings Bank and Jennie L. Fay, Executors of the Estate of Albert R. Fay, Deceased,

Petitioners,

835 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

North Whittier Heights Citrus Association,

Petitioner,

853 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The New York Trust Company, as Substituted Trustee of the General Mortgage of the New York, Susquehanna and Western Railroad Company, et al.,

Petitioners,

863 vs.

The New York, Susquehanna and Western Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert E. Woodruff and John A. Madden, Trustees of the Property of Erie Railroad Company,

Petitioners,

872 vs.

New York, Susquehanna and Western Railroad Company, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The American Insurance Company,
Petitioner,
877 vs.
Gentile Bros. Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. C. Maxwell and D. J. Porter, et al.,
Petitioners,
886 vs.
Tarrant County Water Control & Improvement District Number One.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Shaler Company,
Petitioner,
887 vs.
Rite-Way Products, Inc., F. M. Deutsch and W. J. Wilkerson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benedum-Trees Oil Company,
Petitioner,
890 vs.
Gran Davis, John W. Hall and Ross H. Williams.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benedum-Trees Oil Company,
Petitioner,
891 vs.
E. W. Sedman and Ross H. Williams.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,
Petitioner,
898 vs.
Town of River Junction, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Lewis,
Petitioner,
899 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rose Lewis,
Petitioner,
900 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Luis G. Morphy, Receiver of Rutland Railroad Company, et al.,
Petitioners,
902 vs.
Grand International Brotherhood of Locomotive Engineers, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Luis G. Morphy, Receiver of Rutland Railroad Company, et al.,

Petitioners,

903 vs.

W. F. Burke.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam R. Beard,

Petitioner,

909 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jefferson Standard Life Insurance Company,

Petitioner,

933 vs.

Pauline Jordan DeLong.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Volunteer State Life Insurance Company,

Petitioner,

920 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erma Prentiss,

Petitioner,

910 vs.

Mutual Benefit Health and Accident Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred W. Carl,

Petitioner,

912 vs.

Nancy G. Ferrell.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred W. Carl,
Petitioner,
913 vs.
Grace Norris.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam Cook,
Petitioner,
918 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fairleigh S. Dickinson and Becton, Dickinson & Co.,
Petitioners,
919 vs.
Matthew Payne.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. T. Weir,

Petitioner,

923 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Allan S. Lehman, Cecile S. Lehman, Herbert H. Lehman, et al., etc.,

Petitioners,

924 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Max Shoolman,

Petitioner,

925 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Webb-Crawford Company, E. D. Wier, et al., Individuals, Trading Under the Partnership Style of Daniel Brokerage Company,

Petitioners,

927 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul Bakewell, Jr.,

Petitioner,

928 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wayne Jeffers,

Petitioner,

931 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Wyoming,

Complainant,

10, Original
O.T. 1935 vs.

State of Colorado.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The City of Yonkers,

Petitioner,

542 vs.

Walter F. Downey, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Condon, Mayor, et al.,

Petitioners,

543 vs.

Walter F. Downey, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Condon, Mayor, et al.,

Petitioners,

544 vs.

Walter F. Downey, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Union Joint Stock Land Bank of Detroit,

Petitioner,

579 vs.

Carl Byerly.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

587 vs.

City and County of San Francisco, a Municipal Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Carlson,

Appellant,

667 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. Ely Goldsmith,

Petitioner,

729 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Orion N. Steelman and Marshall E. Birkins,

Petitioners,

793 vs.

The Wichita Falls and Southern Railway Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel M. E. Garland,

Appellant,

844 vs.

City of West Palm Beach;

State of Florida, ex rel. F. C. Yeoman,

Appellant,

845 vs.

City of Sarasota; and

State of Florida, ex rel. M. E. Garland,

Appellant,

846 vs.

City of Sarasota.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Farmers' Loan and Trust Company (a corporation) as Trustee, etc.,

Petitioner,

614 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.; and

The Farmers' Loan and Trust Company (a corporation) as Trustee, etc.,

Petitioner,

615 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.

Motion for leave to file a second petition for rehearing submitted by Mr. John S. Flannery for the Petitioner.

State of Kansas,

Complainant,

-, Original vs.

State of Missouri.

Motion for leave to file bill of complaint presented.

Ex parte Norman Baker,

Petitioner.

-, Original.

Motion for leave to file petition for writ of habeas corpus and motion for leave to apply for writ of certiorari presented.

The State of Washington on the relation of Columbia Broadcasting Company,

Petitioner,

822 vs.

The Superior Court of the State of Washington for King County, et al.

Motion to reverse submitted by Mr. Godfrey Goldmark and Mr. Cassius E. Gates for the Petitioner.

Trinity Universal Insurance Company,

Petitioner,

839 vs.

Mrs. Martha E. Cunningham, Executrix of the Estate of Robert L. Hedrick, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same

is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Bob White,

Petitioner,

87 vs.

The State of Texas.

Argued on the petition for rehearing filed by The State of Texas by Mr. P. S. R. Whittaker for the Petitioner and by Mr. Lloyd W. Davidson and Mr. William J. Panning for the Respondent.

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Proclamation being made the Court is adjourned until Monday, May 27, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that Fred B. Mellmann, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry H. Schwartz, It is ordered that

David Rabinovitz, Esquire, of Sheboygan,
State of Wisconsin; and

Jerry Housel, Esquire, of Laramie,
State of Wyoming;

be admitted to practice as Attorneys and Counsellors of this Court, and th were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that

Gladys T. Medlock, of Atlanta, (Mrs.)
State of Georgia; and

H. Bascom Thomas, Jr., Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and th were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony J. Diamond, It is ordered that

Maynard P. Robinson, Esquire, of Cleburne, State of Texas; and

John B. Miller, Esquire, of Fairbanks, Territory of Alaska;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Albert F. Strasburger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Beverly Cameron Cobb, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Kovner, It is ordered that

David Michelsohn, Esquire, of New York, State of New York; and

Philip Pearlman, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that James C. Ingebretsen, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that Roscoe B. Greenway, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Handwerk, It is ordered that Robert Harris Gamble, Esquire, of Garrett Park,

State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Moore, It is ordered that

Edwin M. Martin, Esquire, of New York,
State of New York; and

Richard Paul Schulze, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Jacobson, It is ordered that Blanche Lucile DeWolf, of Belvidere, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Carl S. Stern, It is ordered that Orville C. Sanborn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent M. Miles, It is ordered that

Jeff. Davis, Esquire, of El Dorado,
State of Arkansas; and

J. A. O'Connor, Jr., Esquire, of El Dorado,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solomon H. Feldman, It is ordered that Alfred B. Carb, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Leo A. Freedman, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Langsam, It is ordered that James H. McHale, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew G. Haley, It is ordered that Blanche Funk Miller, of Tacoma, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and shewas sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John A. K. Donovan, It is ordered that Emmett Leo Sheehan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that

George Raymond Jones, Esquire, of Washington, District of Columbia; and

Charles A. Willmuth, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert V. Fletcher, It is ordered that Patrick M. Kildea, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that William Joseph Williamson, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. D. McKenney, It is ordered that Harry J. Ahlheim, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Elliott, It is ordered that

Oliver Elwood Pagan II, Esquire, of Washington, District of Columbia; and

Gail Johnson Burck, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that James J. Cox, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that George Hamelin Shafer, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Hannah, It is ordered that

Meyer A. Cook, Esquire, of Cleveland, State of Ohio;

John M. Cleary, Jr., Esquire, of Kansas City, State of Missouri; and

John H. Pratt, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Stanley, It is ordered that

Forrest S. Smith, Esquire, of Jersey City, State of New Jersey;

Charles M. James, Esquire, of Jersey City, State of New Jersey; and

Joe H. Taylor, Esquire, of Louisville, State of Kentucky;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry T. Hunt, It is ordered that Gordon C. Arey, Esquire, of Fort Thomas, State of

Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that Frederick W. Whiteside, Jr., Esquire, of Ithaca, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert K. McConnaughey, It is ordered that

Travis Taylor Brown, Esquire, of Charlotte,
State of North Carolina;

David Moffatt McConnell, Esquire, of Chester,
State of South Carolina; and

Leon L. Rice, Jr., Esquire, of Anderson,
State of South Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Randolph William Thrower, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States, Petitioner, vs. Emmett F. Dickerson. 705

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone, and Mr. Justice Roberts.

The United States of America, Interstate Commerce Commission, et al.,

Appellants,

713 vs.

The American Trucking Associations, Inc., et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the said District Court with directions to dismiss the complaint of the appellees.

Per Mr. Justice Reed.

Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Stone and Mr. Justice Roberts.

Bob White,

Petitioner,

87 vs.

The State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the petition for rehearing filed by The State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said petition for rehearing be, and the same is hereby, denied.

Per Mr. Justice Black.

Delaware River Joint Toll Bridge Commission, Pennsylvania-New Jersey,

Petitioner,

563 vs.

John D. Colburn and Bessie Colburn.

On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the reco

from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Securities and Exchange Commission, Petitioner, vs. United States Realty and Improvement Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

796

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Douglas did not participate in the decision of this case.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

Apex Hosiery Company, Petitioner, vs. William Leader and American Federation of Full Fashioned Hosiery Workers, Philadelphia, Branch No. 1, Local No. 706. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

638

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice McReynolds and Mr. Justice Roberts join.

The United States of America,
Petitioner,
vs.
715
Arlene Summerlin, as Ancillary Administratrix of the Estate of J. P. Andrew, Deceased.

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed so far as it goes beyond the question of the jurisdiction of the probate court and purports to adjudge that the claim of the United States is void as a claim against the estate of the decedent because of failure to comply with the statute.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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Commonwealth of Pennsylvania,

Complainant,

13, Original vs.

State of New Jersey, et al.

THIS CAUSE came on to be heard on the bill of complaint and answers of the defendants, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the bill of complaint herein be, and the same is hereby, dismissed without costs to either party, as the questions sought to be presented in this suit by the Commonwealth of Pennsylvania have been determined by the judgment of this Court in Delaware River Joint Toll Bridge Commission vs. Colburn, No. 563, decided May 27, 1940.

Per Mr. Chief Justice Hughes.

The H. Rouw Company,

Petitioner,

* 459 vs.

Frank J. Crivella.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Arkansas with directions to hear the appeal from the award of the Secretary of Agriculture.

Per Mr. Chief Justice Hughes.

* Judgment in No 459 amended Oct 14, 1940 see 1940 Minutes p. 120

The State of Washington on the Relation of Columbia Broadcasting Company,

Petitioner,

822 vs.

The Superior Court of the State of Washington for King County, et al.

On writ of certiorari to the Supreme Court of the State of Washington.

THIS CAUSE having been called to the attention of the Court by counsel for the Petitioner, and it appearing that the cause has become moot;

IT IS ORDERED by this Court that the judgment of the Supreme Court of the State of Washington in this cause be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the said Supreme Court for such proceedings as by that court may be deemed appropriate.

Per Mr. Chief Justice Hughes.

Saenger Realty Corporation,
Appellant,
vs.
Alice Lee Grosjean, Collector of Revenue.

Appeal from the Supreme Court of the State of Louisiana.

998

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Roy Hullig,
Petitioner.

-, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Arthur R. McCleary,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Harry Murrey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Norman Baker,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Norman Baker,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to apply for a writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States ex rel. Samuel L. Geiselman,

Petitioner,

—, Original vs.

William Hunt, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States ex rel. Samuel L. Geiselman,

Petitioner,

—, Original vs.

William Hunt, Warden, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the motion for leave to file a petition for a writ of certiorari to the United States Circuit Court of Appeals herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Executrix, etc., et al.,

Petitioners,

— vs.

R. W. Fontenot, Collector, etc.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Kansas,

Complainant,

15, Original vs.

State of Missouri.

ON CONSIDERATION of the motion for leave to file a bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and process is ordered to issue returnable September 1, next.

Per Mr. Chief Justice Hughes.

Robert G. Errington,

Petitioner,

934 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert G. Errington,

Petitioner,

934 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry H. Neuberger,

Petitioner,

548 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari entered January 2, 1940, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the second and third questions thereby presented.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Farmers' Loan and Trust Company, as Trustee, etc., et al.,

Petitioners,

614 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.; and

The Farmers' Loan and Trust Company, as Trustee, etc., et al.,

Petitioners,

615 O.T. 1938 vs.

Frank Collis Bowers, as Executor, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Edward E. Rieck,

Petitioner,

381 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ben Williamson, Jr., Trustee of Inland Gas Corporation,

Petitioner,

935 vs.

Columbia Gas & Electric Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration or decision of this application.

R. Hoe & Co., Inc., and Neo Gravure Printing Co., Inc.,

Petitioners,

861 vs.

Adolph Weiss and Speedry Gravure Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. S. Genecov,

Petitioner,

874 vs.

Chas. C. Wine, Receiver, Texarkana Drilling Company, Inc. and Standard Oil Company of Louisiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Isadore Roosth,

Petitioner,

875 vs.

Charles C. Wine, Receiver.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Isadore Roosth,
Petitioner,
876 vs.
Charles C. Wine, Receiver.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Seminole Nation,
Petitioner,
883 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Duncan Morgan, et al.,
Petitioners,
904 vs.
Sun Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Equitable Life Assurance Society of the United States,

Petitioner,

922 vs.

George Zolintakis and Christ Orfanos, as Administrator of the Estate of James Orfanos, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Pitcher,

Petitioner,

932 vs.

Metropolitan Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam Italiano and Joe Italiano,

Petitioners,

936 vs.

State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Annie Bunton Parsons, Loula Bunton Shely and Dora Bunton Cunningham, et al.,

Petitioners,

938 vs.

David B. Childs and Herbert V. Jones, Trustees of Mary Atkins Residuary Estate.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Universal Dealers Company,

Petitioner,

942 vs.

Paul B. Cromelin, Trustee in Bankruptcy of Nolan Motors Company, Inc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eagle Transport Company (Limited), and West of England Steam Ship Owners' Protective & Indemnity Association (Limited),

Petitioners,

945 vs.

The United States of America, as Owner of the Steamship "Pocahontas."

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rafael Sancho Benot, Treasurer,
Petitioner,
947 vs.
Humacao Shipping Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul M. Hewitt,
Petitioner,
948 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony A. Magnani,
Petitioner,
949 vs.
Charles A. Hartnett, as Commissioner of Motor Vehicles of the State of New York, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Glekeria Asprodites, as Administratrix of the Succession of Theodore Asprodites,

Petitioner,

955 vs.

Standard Fruit and Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward W. Westrup,

Petitioner,

982 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Moon,

Petitioner,

854 vs.

The Union Central Life Insurance Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Service Company, Ltd.,

Appellant,

915 vs.

County of Los Angeles and City of Los Angeles.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

IT IS ORDERED that the order entered June 1, 1931, as amended March 27, 1937, designating certain law schools, libraries, bar associations and others depositories for sets of printed papers in cases disposed of by this Court be, and it hereby is, further amended as follows, - this order to be effective until the further order of the Court:

(1) That the work of preparing the sets of printed papers for distribution is hereby placed under the supervision of the Clerk of this Cour

(2) The Clerk is authorized and directed to make a charge for the work pertaining to the preparation of the sets of printed papers distributed pursuant to the order of June 1, 1931, as amended. The charges, computed upon the character of the work required to be performed in the individual instances for the several law schools, libraries, bar associations and others designated in the order herein amended, shall be as follows:

Where the papers are serviced and distributed annually at the conclusion of the annual terms of the Court, $50, per term, exclusive of transportation charges.

Where the papers are serviced and distributed not less than three times nor more than five times during the annual terms of the Court, $100, per term, exclusive of transportation charges.

Where the papers are serviced and distributed monthly, or more frequently, during the annual terms of the Court, $150, per term, exclusive of transportation charges.

* Order June 1, 1931 see [illegible] page 9[illegible]
* Order March 27, 1937 see 1936 Minutes page 62[illegible]

(3) The authority and direction given to the Clerk by paragraph 2 of this order, is hereby enlarged with respect to the Lawyers Co-operative Publishing Company, of Rochester, New York, and the West Publishing Company, of Saint Paul, Minnesota, by reason of additional services rendered to these companies under an arrangement long existing. For the inclusive services of preparing sets of printed papers for distribution to, and for rendering such other and additional services as these companies, and each of them, have received in the past, the Clerk is authorized and directed to charge an amount not exceeding $450, for each annual term of the Court. Payment of such amounts by the Lawyers Co-operative Publishing Company, of Rochester, New York, and the West Publishing Company, of Saint Paul, Minnesota, respectively, to be in lieu of the charges specified in the schedule authorized in paragraph 2 of this order.

CHARLES E. HUGHES

Chief Justice.

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O R D E R.

IT IS ORDERED that the Clerk of this Court shall deposit all moneys received by him as such Clerk under the order of May 27, 1940, amending the order of June 1, 1931, as amended March 27, 1937, designating certain law schools, libraries, bar associations and others depositories for sets of printed papers in cases disposed of by this Court, in a separate account.

IT IS FURTHER ORDERED that the Clerk be, and he hereby is, authorized and directed to withdraw from said separate account and to pay over as compensation to the persons, including the Clerk himself, designated to perform and who do perform, the work described in paragraphs 2, and 3, of the order entered May 27, 1940, amending the order of June 1, 1931, as amended March 27, 1937, amounts equivalent to but not exceeding the total sum received and paid into his hands as such Clerk by the several law schools, libraries, bar associations and others authorized by the order of June 1, 1931, as amended, to receive sets of printed papers in cases disposed of by this Court. Such payments by the Clerk to be apportioned among the persons so designated

* See p. 891-supra

to perform, and performing, the work described herein according to the proportionate shares thereof performed by them respectively.

CHARLES E. HUGHES,

Chief Justice.

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Gans Steamship Line, a corporation,

Petitioner,

457 vs.

The United States of America.

Motion for leave to file petition for rehearing submitted by Mr. Philip P. Biggins on behalf of counsel for the Petitioner.

First National Bank of Chicago, Administrator, etc.,

Petitioner,

929 O.T. 1938 vs.

The United States of America.

Motion to vacate order denying petition for rehearing submitted by Mr. Philip P. Biggins on behalf of counsel for the Petitioner.

Robert T. Jones, Jr.,

Petitioner,

179 vs.

W. E. Page, Jr., et al.

Motion for leave to file petition for rehearing submitted by Mr. Randolph W. Thrower on behalf of counsel for the Petitioner.

State of Kansas,

Complainant,

15, Original vs.

State of Missouri.

Motion of E. A. Cole for leave to file bill of intervention presented.

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Proclamation being made the Court is adjourned until Monday, June 3, next, at 12 o'clock.

MONDAY, JUNE 3, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Harold Weill, Esquire, of New York, State of New York; and

Donald L. Brown, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Robert T. Wright, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Margaret A. Shea, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Sigmund Timberg, Esquire, of New York, State of New

York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Alex Edgar Gordon, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that Edward R. Hicks, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Virgil T. Seaberry, Esquire, of Eastland, State of Texas; and

Edward I. Aronow, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. August H. Andresen, It is ordered that Rollin C. Alderson, Esquire, of Austin, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Robert A. Grant, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Harry A. Feder, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that John D. Hill, Esquire, of Birmingham, State of Alabama, be

admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Wilbur Charles Stone, Esquire, of Saint Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Floyd Francis Shields, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross Collins, It is ordered that Benjamin Franklin Cameron, Esquire, of Meridian, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that J. Francis Harter, Esquire, of Eggertsville, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Clarence M. Wilchar, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Mae Carvell, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Stanley E. Disney, Esquire, of Muskogee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Padjo Cravens,

It is ordered that Robert J. White, Esquire, of Russellville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Clore Warne, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Kunkel, It is ordered that Lycurgus L. Marshall, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Wallace Collins, It is ordered that Edmund Nelson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Charles Samenow, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Elliott, It is ordered that

Raymond M. Myers, Esquire, of Dallas,
State of Texas; and

James O. Marberry, Jr., Esquire, of Austin,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that Robert V. Shirley, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo P. Day,

It is ordered that Frank H. Cole, Jr., Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ira L. Ewers, It is ordered that Robert H. Duff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Rogers, It is ordered that Charles H. Weidner, Esquire, of Reading, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that

Samuel S. Isseks, Esquire, of New York, State of New York; and

Fowler Hamilton, Esquire, of Kansas City, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Karasik, It is ordered that Monroe Karasik, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Bertram Burns, It is ordered that Allison E. Schofield, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that

Rose Marie Hand, of Washington, (Miss) District of Columbia; and

Courtnay C. Hamilton, Esquire, of Lebanon, State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Whiteside, It is ordered that

Horace G. Hitchcock, Esquire, of New York,
State of New York; and

Gerald B. Brophy, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Harold U. Daniels, Esquire, of Painesville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eliot H. Robinson, It is ordered that Stanley D. Foster, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Marran, It is ordered that John Paul Jennings, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Gregory Bruce, It is ordered that H. W. Vincent, Esquire, of Bowling Green, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy Glynn Allman, It is ordered that Osborne Shannon P. Koerner, Esquire, of Grove City, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael J. Eberling, It is ordered that Marguerite E. Fulton, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John A. McIntire, It is ordered that Lawrence S. Poston, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron Hommel, It is ordered that Nathan Rosenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David P. Wolhaupter, It is ordered that Stuart S. Ball, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold B. Teegarden, It is ordered that Joseph Walter Jarrett, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Garrett Scott, It is ordered that

James Carey O'Brien, Esquire, of Washington, District of Columbia; and

Philip Paul Marenberg, Esquire, of Brooklyn, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Frank S. Normann, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Clayton B. Pierce, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Pratt, It is ordered that

William Taft Lesh, Esquire, of Muncie,
State of Indiana; and

Ralph Archibald Smith, Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Day, It is ordered that Scott D. Kellogg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Loton Wells, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Thomas J. Kehoe, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter L. O'Rourke, It is ordered that Louis A. Pagnucco, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that James Farraher, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul E. Shorb, It is ordered that

Karl F. Steinmann, Esquire, of Baltimore,
State of Maryland; and

John W. Cable III, Esquire, of Baltimore,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. P. Wenchel, It is ordered that

Harold H. Hart, Esquire, of Salt Lake City, State of Utah;

John W. Ahern, Esquire, of Texarkana, State of Arkansas; and

Harry C. Richter, Esquire, of Dayton, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald A. Gardiner, It is ordered that Frank Zugelter, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Railroad Commission of Texas, et al.,

Petitioners,

681 vs.

Rowan & Nichols Oil Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice McReynolds join.

Minersville School District, Board of Education of Minersville School District, et al.,

Petitioners,

690 vs.

Walter Gobitis, Individually, and Lillian Gobitis and William Gobitis, Minors, by Walter Gobitis, Their Next Friend.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Stone.

Mr. Justice McReynolds concurs in the result.

The State of Arkansas,

Complainant,

9, Original vs.

The State of Tennessee.

THIS CAUSE came on to be heard on the report of the Special Master and the exceptions filed by the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court as follows: The exceptions of the State of Arkansas to the report of the Special Master are overruled and the report is in all respects confirmed. A decree will be entered accordingly containing the provisions indicated in the opinion. A commissioner will be appointed to mark the boundary line as set out in the stipulation entered into by the parties. Costs will be equally divided between the States.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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Mary G. Doyle,

Appellant,

vs.

City of St. Paul, Mark H. Gehan, Mayor, Irving C. Pearce, et al., etc.

Appeal from the Supreme Court of the State of Minnesota.

1001

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

vs.

Northern Pacific Railway Company, et al.

476

THIS CAUSE is set for reargument October 14, 1940. The Court desires to hear argument limited to the purpose, scope and effect of the Act of June 25, 1929, the relief thereby afforded the parties, and the defenses made available to them; and to Appellant's assignments of errors 1 - 12 inc., 13 (insofar as it relates to failure to construct a line from Wallula, Washington, to Portland, Oregon), 19 - 27 inc., 29, 30, 32, 33, 36 - 40 inc., 42, 43, 52 - 54 inc. -- particularly with reference to the bearing of the matters comprehended in these assignments upon the nature and extent of the relief accorded, and the defenses made available, to the parties respectively, by §§1, 2, 5 and 6 of said Act.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED that paragraph (2) of Order 53 of the General Orders in Bankruptcy heretofore promulgated by this Court be, and it hereby is, amended to read as follows:

"(2) The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all moneys deposited with it as such depository, and shall pay out such moneys only as provided by the bankruptcy law and applicable general orders and court rules, and shall abide by all orders of the court in respect of such moneys, and shall otherwise faithfully perform all duties pertaining to it as such depository; Provided, that no security in the form of a bond or otherwise shall be required in the case of such part of the deposits as are insured under section 12 B of the Federal Reserve Act, as amended."

IT IS FURTHER ORDERED that this amendment shall take effect immediately.

Per Mr. Chief Justice Hughes.

Ex parte Edmond C. Fletcher,

Petitioner.

-, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Robert H. Denton, Jr.,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Albert Smith,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

O R D E R.

ON CONSIDERATION of the statement of the Special Master,

IT IS ORDERED that Monté M. Lemann, Esquire, be, and he hereby is, awarded the sum of $2,500.00 as compensation for his services as Special Master in this cause, and that his disbursements, totalling $296.07, be allowed.

Per Mr. Chief Justice Hughes.

State of Kansas,

Complainant,

15, Original vs.

State of Missouri.

ON CONSIDERATION of the motion of E. A. Cole for leave to file a bill of intervention in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milk Wagon Drivers Union of Chicago, Local 753, a Voluntary Unincorporated Association, et al.,

Petitioners,

353 vs.

Meadowmoor Dairies, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

A motion for leave to file a second petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said motion be, and the same is hereby, granted. The motion papers are treated as a petition for rehearing, and rehearing is granted. The order of October 23, 1939, denying certiorari is vacated. The petition for certiorari is granted and the case is assigned for argument immediately following No. 929.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Rebecca Shelley,

Petitioner,

1003 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rebecca Shelley,
Petitioner,
1003 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William McAffee,
Petitioner,
926 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William McAffee,
Petitioner,
926 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Henry Williams,

Petitioner,

958 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Henry Williams,

Petitioner,

958 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dr. J. D. Bradley,

Petitioner,

1028 vs.

Hon. Frank Simpson, Solicitor General ex rel. of Piedmont Circuit, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dr. J. D. Bradley,

Petitioner,

1028 vs.

Hon. Frank Simpson, Solicitor General ex rel. of Piedmont Circuit, Georgia.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otis B. Moore,

Petitioner,

1045 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otis B. Moore,

Petitioner,

1045 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Curtis Wagner, Alias J. Sikorsky, Alias Jan Sikorsky,

Petitioner,

1016 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Arthur Curtis Wagner, Alias J. Sikorsky, Alias Jan Sikorsky,

Petitioner,

1016 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Robert T. Jones, Jr.,

Petitioner,

179 vs.

W. E. Page, Jr., et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jerome A. Jacobs,

Petitioner,

188 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gans Steamship Line, a Corporation,

Petitioner,

457 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

First National Bank of Chicago,

Petitioner,

929 O.T. 1938 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Moon,

Petitioner,

854 vs.

The Union Central Life Insurance Company, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer Ray Lowman,

Petitioner,

785 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Best & Company, Inc.,

Appellant,

961 vs.

A. J. Maxwell, Commissioner of Revenue for the State of North Carolina.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Carol Harriman Stewart,

Appellant,

1023 vs.

Commonwealth of Pennsylvania.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

1017 vs.

F. W. Darby Lumber Company and Fred W. Darby.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas and Lon A. Smith, et al.,

Appellants,

930 vs.

Humble Oil and Refining Company.

The statement of jurisdiction, motion to advance, and motion for stay in this case having been submitted and considered by the Court,

probable jurisdiction is noted. The motion to advance is denied. The motion for stay is granted and the enforcement of the decree of the District Court is stayed pending the determination of the case by this Court.

Per Mr. Chief Justice Hughes.

Lamont William Bowman,

Petitioner,

953 vs.

Martin Loperena, Gregoria Loperena and Martin J. Loperena, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harry Ryan,

Petitioner,

967 vs.

The Employers' Liability Assurance Corporation, Limited.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank L. Kloeb, Judge of the District Court of the United States for the Northern District of Ohio, Western Division,

Petitioner,

977 vs.

Armour & Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

H. J. Heinz Company,

Petitioner,

996 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Robert H. Jackson, Attorney General of the United States, on Behalf of the United States and as Successor to the Alien Property Custodian,

Petitioner,

1005 vs.

Irving Trust Company, as Executor of Hermann Sielcken, Deceased, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mikhail Nicholas Gorin,

Petitioner,

1024 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hafis Salich,

Petitioner,

1025 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William B. Milliken, Margaret M. Milliken, Texas Production Company, et al.,

Petitioners,

978 vs.

Violet L. Meyer, Both Individually and as Administratrix with the Will Annexed of the Estate of Raymond D. Meyer, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Colorado is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Electro-Chemical Engraving Co., Inc.,

Petitioner,

962 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 895.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al.,

992 vs. Petitioners,

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

ON CONSIDERATION of the motion to dispense with the further printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the petition is deemed properly filed in accordance with Rule 38.

Per Mr. Chief Justice Hughes.

Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al.,

Petitioners,

992 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Times-Mirror Company and L. D. Hotchkiss,

Petitioners,

Order allowing certiorari.

972 vs.

The Superior Court of the State of California, in and for the County of Los Angeles.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted, and the case is assigned for argument immediately following No. 759.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Grand Trunk Western Railroad Company,

Petitioner,

Order allowing certiorari.

993 vs.

Hazel E. Stephenson, as Administratrix of the Estate of Bart A. Stephenson, Deceased.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, limited to the question whether the District Court properly disposed of the causes in view of Illinois Revised Statutes 1937, Chapter 70, Section 2.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Grand Trunk Western Railroad Company,

Petitioner,

Order allowing certiorari.

994 vs.

Hazel E. Stephenson, as Administratrix of the Estate of Stuart B. Stephenson, Deceased.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, limited

to the question whether the District Court properly disposed of the causes in view of Illinois Revised Statutes 1937, Chapter 70, Section 2.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

American Medical Association, the Medical Society of the District of Columbia, et al., Petitioners, vs. The United States of America.

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On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Wichita Royalty Company, et al., Petitioners, vs. City National Bank of Wichita Falls, et al.

963

ON CONSIDERATION of the motion to dispense with the reprinting of Volume 1, 2, and 3 of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Wichita Royalty Company, et al.,
Petitioners,
963 vs.
City National Bank of Wichita Falls, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Donahoe's Incorporated Preferred and Class A-Stockholders' Protective Association, et al.,
Petitioners,
1015 vs.
Donahoe's Incorporated and Geo. K. Stevenson Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Arabi Packing Co., Inc.,
Petitioner,
873 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer Rundin,
Petitioner,
917 vs.
C. J. Sells.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Michael Tsevdos,
Petitioner,
939 vs.
Rudolph Reimer, Commissioner of Immigration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sentinel Oil Co.,
Petitioner,
940 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles S. Ladinsky and Moe Manner, Petitioners,
941 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arrow Distilleries, Inc., Petitioner,
950 vs.
Wilford S. Alexander, Administrator of the Federal Alcohol Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Andre deCoppet and Muriel deCoppet, Petitioners,
954 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. Ballard,

Petitioner,

956 vs.

The Atchison, Topeka and Santa Fe Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. G. Arn, et al.,

Petitioners,

960 vs.

Bradshaw Oil & Gas Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John F. Hughes, as Trustee of Martin Conroy & Sons, Inc., Debtor in Proceedings to Reorganize a Corporation Under the National Bankruptcy Act.,

Petitioner,

965 vs.

Lawyers Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. W. Richter,

Petitioner,

966 vs.

James E. Pritchard, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Union Joint Stock Land Bank of Detroit,

Petitioner,

968 vs.

L. D. Eaton, Receiver for Emma Eaton Robison and Dwight E. Robison.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gay Union Corporation, Inc., and Canal Bank & Trust Company, in Liquidation,

Petitioners,

969 vs.

Henry A. Wallace, Secretary of Agriculture.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grain Belt Supply Company,
Petitioner,
971 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Grover Cleveland Bergdoll,
Petitioner,
974 vs.
Lieutenant General Hugh A. Drum, Commanding Officer, United States Army, Second Corps Area, Governors Island, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George R. Pietch,
Petitioner,
983 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George C. Beidler,
Petitioner,
985 vs.
Photostat Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company,
Petitioner,
988 vs.
Frank A. Cardillo, Deputy Commissioner, United States Employees Compensation Commission and Ray Bridges.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Neumann-Endler, Inc.,
Petitioner,
989 vs.
The United States (Majestic Forwarding & Shipping Co., Appearing as Parties in Interest).

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity-Bankers Trust Company, Trustee for Hugh W. Sanford, et al., Petitioners,

997 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tennessee Consolidated Coal Company, Petitioner,

973 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bertha B. Channell, Executrix, Petitioner,

976 vs.

Albert E. Sampson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel E. Diescher and Mrs. Samuel E. Diescher,

Petitioners,

980 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

August P. Diescher and Mrs. August P. Diescher,

Petitioners,

981 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Portland Oil Company,

Petitioner,

986 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Pender and Mollie W. Pender,
Petitioners,
1002 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret W. Meyer, as Executrix Under the Last Will and Testament of Arthur G. Meyer, Deceased,
Petitioner,
1004 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mattie Pandolfi, Stephen LoPiccolo and Jack Scarpulla,
Petitioners,
1006 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Brown Paper Mill Company, Inc., Petitioner,
1008 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Coupe and Henry Lynch, Petitioners,
1022 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Touchton, Petitioner,
1038 vs.
City of Fort Pierce, Florida, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Bayer,
Petitioner,
1046 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Trading Corporation,
Petitioner,
975 vs.
Charles Edison, Individually and as Acting Secretary of the United States Navy, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alex T. Denton,
Petitioner,
984 vs.
Frank O. Lowden, et al., as Trustees of the Chicago, Rock Island & Pacific Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cummer Sons Cypress Company,
Petitioner,
990 vs.
Atlantic Coast Line Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wilson Cypress Company,
Petitioner,
991 vs.
Atlantic Coast Line Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jane Holding Corporation,
Petitioner,
999 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Zinmaster Baking Company,

Petitioner,

1012 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mercantile-Commerce Bank & Trust Company, Virginia G. Donnelly, etc.,

Petitioners,

1019 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Max Ziskin,

Petitioner,

1057 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

346 vs.

Socony-Vacuum Oil Company, Inc., et al.; and

Socony-Vacuum Oil Company, Inc., et al.,

Petitioners,

347 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Stone.

The Chief Justice and Mr. Justice Murphy took no part in the consideration and decision of this petition.

Henry Russell, Lawrence Miller, et al.,

Petitioners,

329 vs.

James S. Todd, Joseph R. Work, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herbert Tigner,

Appellant,

635 vs.

The State of Texas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Cuban-American Sugar Company,

Petitioner,

714 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Knott Baxter,

Petitioner,

808 vs.

Emory University, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

821 vs.

First Joint Stock Land Bank of Fort Wayne, Indiana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Ohio ex rel. Frank Jonak,

Appellant,

881 vs.

James A. White, et al.

A petition for rehearing havi

UPON CONSIDERATION THEREOF, t

the said petition be, and the same is hereby

B. J. Wynne, A. M. Lockett & Company, Ltd., et al.,

Appellants,

921 vs.

The State of Texas.

A petition for rehearing havi

UPON CONSIDERATION THEREOF, t

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The Chief Justice announced the fo

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IT IS ORDERED by this Court t

and they hereby are, continued to the next T

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Proclamation being made the Court is adjourn
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It is ordered by this Court that
y, denied.
Per Mr. Chief Justice Hughes.

ing been filed in this case,
It is ordered by this Court that
y, denied.
Per Mr. Chief Justice Hughes.

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business before the Court at this
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Term.
Per Mr. Chief Justice Hughes.

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At the Supreme Cour
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United States, on the first M
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Supreme Court of the United S

PRESENT:

The Honorable

Thomas Ennall

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Proclamation being

On motion first made
Summers, It is ordered that M
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On motion first made
General Francis Biddle, It is

Theodore Specto

W. H. Mizell, E

Milton C. Weis

Melvin A. Alber

Charles Rivers

be admitted to practice as Att

AY, OCTOBER 7, 1940.

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present Seat of the National Government of the
onday in October (being the 7th day of the same
d one thousand, nine hundred and forty and of
d States the one hundred and sixty-fifth, The
tates met agreeably to law.

Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

ls Waggaman, Esquire, Marshal,
s Elmore Cropley, Clerk.

nade the Court is opened.

e to the Court in this behalf by Mr. Hatton W.
alter Alfred Dexter, Esquire, of Atlanta, State
actice as an Attorney and Counsellor of this
dingly.

e to the Court in this behalf by Mr. Solicitor
ordered that

or, Esquire, of New York,
State of New York;

Esquire, of West Palm Beach,
State of Florida;

an, Esquire, of New York,
State of New York;

rt, Esquire, of New York,
State of New York; and

Aiken, Esquire, of Chicago,
State of Illinois;

orneys and Counsellors of this Court, and they

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that V. J. Lucareli, Esquire, of Kenosha, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Albert H. Boyd, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that

Maurice D. L. Fuller, Esquire, of San Francisco,
State of California; and

E. Douglas Schwantes, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that William L. Cary, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Frank Griffin, Esquire, of Kellogg, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Wade H. Kitchens, Esquire, of Magnolia, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that James B. Newman, Esquire, of Cedar Falls, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Kee, It is ordered that Lafe B. Chafin, Esquire, of Williamson, State of West

Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that George F. Edwardes, Esquire, of Texarkana, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Gwynn Gardiner, It is ordered that Youart Herbert Kerslake, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Fenwick, It is ordered that J. Villard Frampton, Esquire, of Oil City, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wade H. Ellis, It is ordered that Francis X. Nestor, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that

Katharine Peffers Ely, of Washington, (Mrs.)
District of Columbia;

James Kenneth Ely, Esquire, of Pittsburgh,
State of Pennsylvania;

Otto H. Eschholz, Esquire, of Pittsburgh,
State of Pennsylvania;

William J. Ruano, Esquire, of Washington,
District of Columbia;

Gavin M. Crawford, Esquire, of Pittsburgh,
State of Pennsylvania; and

Nathan G. Chilcott, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis L.

Hamby, It is ordered that Orwill V. W. Hawkins, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benedict P. Cottone, It is ordered that Anthony S. Falcone, Esquire, of Utica, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth N. Parkinson, It is ordered that Hadlond P. Thomas, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman D. Keller, It is ordered that Alton V. Evans, Esquire, of Long Branch, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Eugene V. Slattery, Esquire, of Eugene, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Gilmore, It is ordered that George Edward Leonard, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Charles P. McCarthy, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Mayo H. Roberts, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Hubert H. Margolies, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Williams, It is ordered that William L. Mason, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Wirtz, It is ordered that Edward Aubrey Clark, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilson Martindale Compton, It is ordered that R. W. Maxwell, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammermann, It is ordered that Frank G. Shea, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Newman T. Miller, Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Jose F. Camunas, Esquire, of Rio Piedras, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilber Stammler, It is ordered that David H. Jacobs, Esquire, of Meriden, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that Geoffrey P. Mahoney, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Stafford Caldwell, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter A. Graham, It is ordered that Ernest Howard Campbell, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Z. F. Wood, It is ordered that Gerald W. Harrington, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Delos J. Needham, It is ordered that Parker Fulton, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs C. Simpich, It is ordered that Ralph E. Lum, Jr., Esquire, of Chatham, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that William H. Edwards, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that

John H. Stembler, Esquire, of Miami,
State of Florida; and

William C. Gaither, Jr., Esquire, of Miami,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lyle F. O'Rourke, It is ordered that James M. McNally, Esquire, of Le Mars, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

Motion for leave to file brief for the Respondent submitted by Mr. Edmund S. Kochersperger on behalf of counsel for the Respondent.

The United States of America,

Appellant,

3 vs.

Northern Pacific Railway Company, et al.

Motion for leave to file brief of Minority Stockholders of Northern Pacific Railroad Company submitted by Mr. Raymond M. Hudson in that behalf.

Bacardi Corporation of America,

Petitioner,

21 vs.

Rafael Sancho Bonet, Treasurer, and Destileria Serralles, Inc.

Motion to substitute party Respondent submitted by Mr. Preston B. Kavanagh for the Petitioner.

Bacardi Corporation of America,

Petitioner,

21 vs.

Rafael Sancho Bonet, Treasurer, and Destileria Serralles, Inc.

ON CONSIDERATION of the motion of counsel for the Petitioner to substitute Manuel V. Domerech, present Treasurer of Puerto Rico, as a party respondent in this case in the place and stead of Rafael Sancho Bonet, former Treasurer,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

E. B. Futrall, Receiver, etc.,

Petitioner,

327 vs.

Mrs. Ella M. Ray.

Motion to substitute party petitioner submitted by Mr. George P. Barse for the Petitioner.

E. B. Futrall, Receiver of the Lee County National Bank, Marianna, Arkansas,

Petitioner,

327 vs.

Mrs. Ella M. Ray.

ON CONSIDERATION of the motion of counsel for the Petitioner to substitute A. F. Rawlings, present Receiver of the Lee County National Bank, as the party petitioner in the place and stead of E. B. Futrall, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Ex parte Thomas K. Case,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus or prohibition presented.

Ex parte Berkshire Knitting Mills,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

Proposed form of decree presented.

State of Kansas,

Complainant,

11, Original vs.

State of Missouri.

Answer of Defendant presented.

Missouri Pacific Transportation Company,

Petitioner,

125 vs.

Chester Talley.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

J. A. Burleigh,

Petitioner,

241 vs.

The United States of America, Acting for and in Behalf of the Farm Credit Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Monte E. Hart,

Petitioner,

339 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, October 14, next, at 12 o'clock.

MONDAY, OCTOBER 14, 1940.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Caso March, It is ordered that Charles Hill Mooney, Esquire, of Waco, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that William A. White, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Wm. Fleet Palmer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Sterling Youngman, Jr., It is ordered that

Daryal A. Myse, Esquire, of Madison,
State of Wisconsin; and

George Edward Levings, Esquire, of East Falls Church,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore B. Benson, It is ordered that John Franklin Lax, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Odell S. McConnell, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isidore Hershfield, It is ordered that William Macy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Sparks, It is ordered that John C. Bruton, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond T. Jackson, It is ordered that

Fraser M. Horn, Esquire, of New York,
State of New York;

Creswell M. Micou, Esquire, of New York,
State of New York;

Morton Waller Belcher, Jr., Esquire, of New York,
State of New York;

Wendell W. Forbes, Esquire, of New York,
State of New York; and

Jesse Knight, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Chief Justice said:

"The judgments and orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Snead & Company,
Appellant,
104 vs.
Margaret Steinmetz.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Court of Errors and Appeals, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

William D. Van Dyke, Jr., and Douglass Van Dyke, as Trustees Under Trust Agreement dated December 6, 1935,
Appellants,
265 vs.
Wisconsin Tax Commission, et al.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

First Wisconsin Trust Company, as Trustee Under Trust Agreement Dated December 6, 1935,

Appellant,

266 vs.

Wisconsin Tax Commission, et al.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Columbus and Chicago Motor Freight, Inc.,

Appellant,

276 vs.

Public Service Commission of the State of Indiana, et al.

Appeal from the District Court of the United States for the Northern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

John J. Holmes, as State Auditor and ex Officio Commissioner of Insurance of the State of Montana,

Appellant,

156 vs.

Springfield Fire & Marine Insurance Company.

Appeal from the District Court of the United States for the District of Montana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Montana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Wacker-Wabash Corporation,

Appellant,

114 vs.

City of Chicago.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Yazoo & Mississippi Valley Railroad Company,

Appellant,

170 vs.

The Board of Mississippi Levee Commissioners.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the

same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

W. J. Kirkpatrick,

Appellant,

222 vs.

J. Alice Stelling.

Appeal from the District Court of Appeal of the State of California, 1st Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 1st Appellate District, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

F. C. Crow, T. J. Gourley and W. H. Murphy, Constituting the Arkansas State Board of Chiropractic Examiners, et al.,

Appellants,

143 vs.

H. A. Stroud, M. C. Hawkins, Jr., T. J. Stewart, et al., etc.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

W. N. Horne, Ralph Blackburn and L. Green,

Appellants,

213 vs.

The City of Ocala.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

H. E. Butt Grocery Company and Southwest Texas Grocery Corporation,

Appellants,

441 vs.

George H. Sheppard, Comptroller of Public Accounts of the State of Texas, et al.

Appeal from the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Luckenbach Terminals, Inc.,

Appellant,

115 vs.

Township of North Bergen in the County of Hudson, a Municipal Corporation of New Jersey, et al.

Appeal from the Court of Chancery of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Chancery of the State of New Jersey, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Sinclair Refining Company, Appellant, vs. State of Louisiana. — Appeal from the Supreme Court of the State of Louisiana.

286

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company, Appellant, vs. Carrie C. Lee. — Appeal from the Supreme Court of the State of Arkansas.

299

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company, Appellant, vs. S. B. Hanna. 300

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

John F. Corcoran, Appellant, vs. City of Chicago. 326

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Jesse C. Bader, Appellant, vs. The People of the State of Illinois. 158

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Jesse C. Bader, Appellant,

vs.

The People of the State of Illinois.

158

Appeal from the Supreme Court of the State of Illinois.

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company and Aetna Casualty & Surety Company, Appellants,

vs.

Delta and Pine Land Company.

189

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company and Aetna Casualty & Surety Company,

Appellants,

189 vs.

Delta and Pine Land Company.

Appeal from the Supreme Court of the State of Mississippi.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. B. Wright and S. B. Wright, as Administrator of the Estate of Kate S. Wright, Deceased,

Appellant,

240 vs.

Security-First National Bank of Los Angeles.

Appeal from the District Court of Appeal of the State of California, 4th Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 4th Appellate District, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

S. B. Wright and S. B. Wright, as Administrator of the Estate of Kate S. Wright, Deceased,

Appellant,

240 vs.

Security-First National Bank of Los Angeles.

Appeal from the District Court of Appeal of the State of California, 4th Appellate District.

TREATING the appeal papers herein from the District Court of Appeal of the State of California, 4th Appellate District, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. B. Wright and S. B. Wright, as Administrator of the Estate of Kate S. Wright, Deceased,

Appellant,

240 vs.

Security-First National Bank of Los Angeles.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe T. Powell,

Petitioner,

— vs.

Joseph W. Sanford, Warden.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James H. Johnson,

Petitioner,

— vs.

Metropolitan Casualty Insurance Company.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Norman H. Wilson,

Petitioner.

—

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Emmet H. Bozel,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application for a writ of habeas corpus to the District Court.

Per Mr. Chief Justice Hughes.

Ex parte John Dye,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Frank L. Roberson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Taylor Seals,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Lindley J. Hansen,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Roy Whitson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Selvie W. Wells,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Thomas K. Case,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for leave to file a petition for writ of mandamus or prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Berkshire Knitting Mills,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel W. Liske,

Petitioner,

—, Original. vs.

Bar Association of Nassau County, et al.

ON CONSIDERATION of the motion for leave to file a bill of complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

SUPREME COURT OF THE UNITED STATES.

No. 9, Original.—October Term, 1940.

The State of Arkansas, Complainant,
vs.
The State of Tennessee, Defendant. } In Equity.

October 14, 1940.

DECREE.

Came on this cause to be heard upon the bill of complaint, the answer and cross-bill of the defendant thereto, the replication of the complainant to such answer and cross-bill, the Report of the Special Master heretofore filed in this cause, the exceptions filed thereto by the complainant and the argument of the parties when, after consideration thereof, the Court doth order, adjudge and decree as follows:

I.

That the exceptions of complainant, State of Arkansas, to the Report of the Special Master herein are hereby overruled and said Report in all things is confirmed and approved.

II.

That the complainant, State of Arkansas, is not entitled to recover of the defendant, State of Tennessee, the lands described in Count I of the complainant's bill but that the State of Tennessee, upon its answer and cross-bill is decreed to be entitled to exercise jurisdiction thereover.

III.

That the boundary between the State of Arkansas and State of Tennessee at the point opposite the lands described in Count I of the bill of complaint in this cause is hereby decreed to be the thalweg or channel of the Mississippi River as the same flowed on October 28, 1935, the date of the filing of the original bill herein.

Harry B. Stilz,

Petitioner,

666 O.T. 1928 vs.

Bethlehem Shipbuilding Corporation.

ON CONSIDERATION of the motion for leave to file a bill of review in the District Court in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 O.T. 1939 vs.

The Warrich Corporation, et al.

ON CONSIDERATION of the motion for a writ of certiorari to supply omissions from the record in this case and for an order for further proof,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New World Life Insurance Company,

Petitioner,

2 vs.

The United States.

ON CONSIDERATION of the motion to dismiss the writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

ON CONSIDERATION of the motion for leave to file a bill of complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

IV.

That the formation known as Bluegrass Towhead is expressly decreed to be under the jurisdiction and a part of the State of Tennessee.

V.

That the boundary line between the two states at the points described in Count II of the bill of complaint is hereby decreed to run as follows:

"BEGINNING at a point in the Mississippi River at approximate north latitude 35-48-20, west longitude 89-44-12, said point being at the mouth of the chute of said river separating Forked Deer Island from Island 25; running thence through the center of said chute as follows:

North 74 degrees 15 minutes west 6500 feet to monument #1 (not physical); thence north 79 degrees 15 minutes west 2250 feet to monument #2 (not physical); thence south 550 feet to monument #3 on the bank of said chute from which:

South 88 degrees 30 minutes east 21 feet;
South 37 degrees east 14½ feet, cottonwood pointers:

thence south 72 degrees west 2400 feet to monument #4 from which:

South 59 degrees 45 minutes west 8 feet;
South 22 degrees 30 minutes east 7 feet;
North 51 degrees east 5 feet, cottonwood pointers, being at a "T" corner of present fence;

thence south 72 degrees west following present fence in general 2761 feet to monument #5, from which:

North 34 degrees east 10 feet;
South 25 degrees west 8 feet;
North 16 degrees 30 minutes west 16 feet;
South 66 degrees 30 minutes west 15 feet, cottonwood pointers:

thence south 43 degrees 45 minutes west following present fence in general 2268 feet to monument #6, from which:

Mississippi River Commissioners' Bench Mark (Forked Deer) bears south 57 degrees 15 minutes east 724 feet;

thence south 43 degrees 45 minutes west following present fence in general 3963 feet to monument #7 from which:

North 2 degrees 30 minutes east 4.5 feet;
North 55 degrees 30 minutes west 12 feet;

South 52 degrees 30 minutes west 10 feet;
South 38 degrees 30 minutes west 14 feet, cottonwood pointers;

thence south 30 degrees 45 minutes west following present fence in general 1400 feet to monument #8, from which:

South 63 degrees west 16 feet;
South 13 degrees 30 minutes east 17 feet, cottonwood pointers;

thence south 30 degrees 45 minutes west 500 feet to monument #9 (not physical) in the center of the chute separating Forked Deer Island from the Arkansas main shore;

thence with the chute as follows:

South 17 degrees 15 minutes east 2650 feet to monument #10 (not physical);

thence south 8 degrees 30 minutes west 800 feet to monument #11 (not physical);
thence south 23 degrees 30 minutes west 600 feet to monument #12 (not physical);
thence south 34 degrees 15 minutes west 1400 feet to monument #13 (not physical);
thence south 50 degrees west 1200 feet to monument #14 (not physical) in said chute, at approximate north latitude 35-46-21, west longitude 89-48-22.

Magnetic variation 5 degrees 15 minutes."

VI.

That W. H. Green of Covington, Tennessee, and O. W. Gauss of Osceola, Arkansas, be and they are hereby appointed Commissioners for the purpose of establishing the boundary above designated in connection with the lands described in Count II. The Commissioners, after first taking an oath to fully and impartially perform the duties required of them by this decree, will go upon the lands in question and designate the boundary herein fixed by the erection of at least four permanent station monuments of concrete or other durable material at angle points upon the line herein decreed to be the true boundary. In addition thereto, they will erect four monuments of like permanent character at points deemed by them to be not subject to erosion by the Mississippi River, as reference monuments, two referring to each terminus of the line herein decreed, which monuments shall be fixed by appropriate

Harry B. Stilz,

Petitioner,

666 O.T. 1928 vs.

Bethlehem Shipbuilding Corporation.

ON CONSIDERATION of the motion for leave to file a bill of review in the District Court in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 O.T. 1939 vs.

The Warrich Corporation, et al.

ON CONSIDERATION of the motion for a writ of certiorari to supply omissions from the record in this case and for an order for further proof,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New World Life Insurance Company,

Petitioner,

2 vs.

The United States.

ON CONSIDERATION of the motion to dismiss the writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

3 vs.

Northern Pacific Railway Company, et al.

ON CONSIDERATION of the motion for leave to file brief of the Minority Stockholders of the Northern Pacific Railway Company in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

ON CONSIDERATION of the motion for leave to file brief of the Respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Carlota Benitez Sampayo,

Petitioner,

90 vs.

The Bank of Nova Scotia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Carlota Benitez Sampayo,

Petitioner,

90 vs.

The Bank of Nova Scotia.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

230 vs.

Hon. Stanley H. Johnson, Judge, District Court, City and County of Denver.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

230 vs.

Hon. Stanley H. Johnson, Judge, District Court, City and County of Denver.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

230 vs.

Hon. Stanley H. Johnson, Judge, District Court, City and County of Denver.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas W. Benson,

Petitioner,

309 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Thomas W. Benson,

Petitioner,

309 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Elsie A. Miller,

Petitioner,

83 vs.

Herbert Frederic Miller.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elsie A. Miller,

Petitioner,

83 vs.

Herbert Frederic Miller.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred V. Thompson,

Petitioner,

84 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred V. Thompson,

Petitioner,

84 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edna Delonis Belin,

Petitioner,

91 vs.

Frank Belin, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edna Delonis Belin,

Petitioner,

91 vs.

Frank Belin, Casper Belin, Annie Vlahovich, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Hawk,

Petitioner,

99 vs.

Joseph O'Grady, Warden, Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Hawk,

Petitioner,

99 vs.

Joseph O'Grady, Warden, Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lillian Clawans,

Petitioner,

132 vs.

Frank M. White.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lillian Clawans,

Petitioner,

132 vs.

Frank M. White.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. L. Bates,

Petitioner,

144 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. L. Bates,

Petitioner,

144 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. W. A. Moore,

Petitioner,

157 vs.

Missouri Pacific Railroad Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. W. A. Moore,

Petitioner,

157 vs.

Missouri Pacific Railroad Company, Guy A. Thompson, Trustee and W. R. Avery.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania, ex rel. Louis Toliver,

Petitioner,

166 vs.

Stanley P. Ashe, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania, ex rel. Louis Toliver,

Petitioner,

166 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Executrix, etc., et al.,

Petitioners,

176 vs.

R. W. Fontenot, Collector for the District of Louisiana, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Executrix and Administrator of the Succession of John B. Lewis, et al.,

Petitioners,

176 vs.

R. W. Fontenot, Collector for the District of Louisiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

177 vs.

United States of America, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Testamentary Executrix of the Succession of John B. Lewis, et al.,

Petitioners,

177 vs.

United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

178 vs.

United States Department of Agriculture, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Testamentary Executrix and Administrator of the Succession of John B. Lewis, et al.,

Petitioners,

178 vs.

United States Department of Agriculture, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward J. Hartenfeld,

Petitioner,

228 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward J. Hartenfeld,

Petitioner,

228 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION OF THE PETITION for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph R. Rossignol,

Petitioner,

232 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph R. Rossignol,

Petitioner,

232 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cecelia Vacanti Cole,

Petitioner,

234 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cecelia Vacanti Cole,
Petitioner,
234 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlie W. West,
Petitioner,
250 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlie W. West,
Petitioner,
250 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Karlton A. Patton,

Petitioner,

260 vs.

F. S. Baldi, M.D., Superintendent
of Philadelphia County Prisons, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Karlton A. Patton,

Petitioner,

260 vs.

F. S. Baldi, M.D., Superintendent of
Philadelphia County Prisons, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James E. Jackson,

Petitioner,

272 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James E. Jackson,

Petitioner,

272 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary, etc.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Steele,

Petitioner,

278 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Steele,

Petitioner,

278 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dale Oren Brough,

Petitioner,

279 vs.

State of Arizona.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dale Oren Brough,

Petitioner,

279 vs.

State of Arizona.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank A. Dougherty,

Petitioner,

313 vs.

State of Florida.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank A. Dougherty,

Petitioner,

313 vs.

State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harmon Metz Waley,

Petitioner,

314 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harmon Metz Waley,

Petitioner,

314 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grace Schneider, as Administratrix, etc.,

Petitioner,

340 vs.

Lehigh Valley Railroad Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grace Schneider, as Administratrix of the Estate of Leon Schneider, Deceased,

Petitioner,

340 vs.

Lehigh Valley Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Victor Caponigri,

Petitioner,

378 vs.

Richard J. Congleton, Trustee, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Victor Caponigri,

Petitioner,

378 vs.

Richard J. Congleton, Trustee of Philip A. Singer & Bro., Inc., Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Superior Bath House Company,

Appellant,

180 vs.

Z. M. McCarroll, Commissioner of Revenues for the State of Arkansas.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Leon C. Phillips, Individually, etc., et al.,

Appellants,

201 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

245 vs.

J. W. Gilliland, Ralph Gilliland, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas, Lon A. Smith, et al.,

Appellants,

283 vs.

The Pullman Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States,

Appellant,

191 vs.

Kate B. Goltra and E. Field Goltra, Jr., Executors, etc.; and

Kate B. Goltra and E. Field Goltra, Jr., Executors, etc.,

Appellants,

192 vs.

The United States.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted. The motion to dismiss or affirm in No. 191 is denied.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas,
Lon A. Smith, et al., etc.,

Appellants,

216 vs.

Rowan & Nichols Oil Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following No. 57.

Per Mr. Chief Justice Hughes.

Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, et al.; and

Panhandle Eastern Pipe Line Company,

Appellant,

269 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this question.

Henry J. Beal, County Attorney of
Douglas, Nebraska, et al., Order allowing certiorari.

Petitioners,

72 vs.

Missouri Pacific Railroad Corporation, in Nebraska.

The petition herein for a writ of certiorari to the United

States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. C. Frost & Company,

Petitioner,

78 vs.

Coeur D'Alene Mines Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Idaho is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Federal Trade Commission,

Petitioner,

85 vs.

Bunte Brothers, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Olga E. Voeller, Dorothy Gloeckner, Nellie B. Pugh, et al.,

Petitioners,

97 vs.

The Neilston Warehouse Company and The Ohio National Bank of Columbus.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,

Petitioners,

120 vs.

Webster and Atlas National Bank of Boston, Trustee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

188 vs.

Cowden Manufacturing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,

Petitioner,

194 vs.

Pacific Coal & Oil Company and Joe Orteca.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Reconstruction Finance Corporation,

Petitioner,

Order allowing certiorari.

200 vs.

J. G. Menihan Corp., J. G. Menihan, Sr., and J. G. Menihan, Jr.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Huron Holding Corporation and National Surety Corporation,

Petitioners,

Order allowing certiorari.

212 vs.

Lincoln Mine Operating Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

237 vs.

Edyth LeGierse and Bankers Trust Company, as Executors of the Estate of Cecile LeGierse, Deceased.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Millinery Creator's Guild, Inc., (Formerly Millinery Quality Guild, Inc.), et al.,

Petitioners,

251 vs.

Federal Trade Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Eugene Higgins,

Petitioner,

253 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Jay C. Hormel,

Petitioner,

257 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Herbert H. Maass, as Sole Surviving Executor of the Last Will and Testament of Ida H. Saks, Deceased,

Petitioner,

274 vs.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Armour and Company,

Petitioner,

293 vs.

The Alton Railroad Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. F. Rawlings, Receiver of the Lee County National Bank, Marianna, Arkansas,

Petitioner,

327 vs.

Mrs. Ella M. Ray.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Jeremiah D. Maguire and Ruth S. Maguire,

Petitioners,

346 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

E. A. Kelleam, Nell Southard, Joe E. Kelleam and Joe R. Southard, Jr.,

Petitioners,

349 vs.

Maryland Casualty Company of Baltimore, Maryland, Mrs. Ethel Riddler, Mrs. Dorothy Payne, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in reponse to such writ.

Per Mr. Chief Justice Hughes.

Lewis K. Stoner,

Petitioner,

74 vs.

New York Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 45.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Florence Guggenheim,

Petitioner,

92 vs.

Almon Q. Rasquin, Individually and as United States Collector of Internal Revenue for the First District of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Chester Gaines and Theresa Gaines,
Husband and Wife,

Petitioners,

Order allowing certiorari.

113 vs.

Guy T. Helvering, Commissioner of
Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 36.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Henry W. Taft and Julia W. S. Taft,

Petitioners,

Order allowing certiorari.

183 vs.

Guy T. Helvering, Commissioner of
Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the second question presented by the petition. The case is assigned for argument immediately following No. 113.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Philadelphia Company and Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, James P. McArdle, Ben Paul Brasley and Thomas J. Hoffman, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following No. 120.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Philadelphia Company and Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, James P. McArdle, Ben Paul Brasley and Thomas J. Hoffman, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following No. 242.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

121 vs.

Northwest Steel Rolling Mills, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 8.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

281 vs.

City National Bank and Trust Co. of Chicago, et al.; and

Weightstill Woods, Court Trustee,

Petitioner,

282 vs.

City National Bank and Trust Co. of Chicago, et al.

ON CONSIDERATION of the motion to dispense with the printing of an additional record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

Order allowing certiorari.

281 vs.

City National Bank and Trust Co. of Chicago, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

282 vs.

City National Bank and Trust Co. of Chicago, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

235 vs.

Link-Belt Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 73.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

236 vs.

Independent Union of Craftsmen.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 235.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Okley Goins Tyler, Executrix of the Estate of Herbert F. Tyler, Deceased,

Petitioner,

368 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 237.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Estate of Anna M. Keller, Pius P. Keller and Marcella V. Keller, Executors,

Petitioners,

371 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following No. 368.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Louis E. Roddewig, as Chairman of the Iowa State Board of Assessment and Review, etc., et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Iowa is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

Louis E. Roddewig, as Chairman of the Iowa State Board of Assessment and Review, etc., et al.,

Petitioners,

Order allowing certiorari.

256 vs.

Montgomery Ward and Co., Incorporated.

The petition herein for a writ of certiorari to the Supreme Court of the State of Iowa is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

205 vs.

Gerald A. Eubank.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 27.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Six Companies of California, Hartford Accident and Indemnity Company, et al.,

Petitioners,

267 vs.

Joint Highway District No. 13 of the State of California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, limited to the first question presented by the petition and the case is assigned for argument immediately following No. 74.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Earl Russell Browder,

Petitioner,

287 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes

Mr. Justice Murphy took no part in the consideration and decision of this application.

Welwel Warszower, Alias "Robert William Wiener", etc.,

Petitioner,

338 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the

case is assigned for argument immediately following No. 287.

AND IT IS FURTHER ORDERED THAT the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Opp Cotton Mills, Inc., et al.,

Petitioners,

330 vs.

Administrator of the Wage and Hour Division of the Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 82.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hiram R. Edwards,

Petitioner,

377 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

362 vs.

Bethlehem Steel Corporation, Bethlehem Shipbuilding Corporation, Ltd., Bethlehem Steel Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Murphy took no part in the consideration and decision of this application.

United States Shipping Board Merchant Fleet Corporation,

Petitioner,

363 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Murphy took no part in the consideration and decision of this application.

Z. and F. Assets Realization Corporation,

Petitioner,

381 vs.

Cordell Hull, Secretary of State and Henry Morgenthau, Secretary of the Treasury, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

American-Hawaiian Steamship Company,

Petitioner,

vs.

Cordell Hull, Secretary of State and Henry Morgenthau, Secretary of the Treasury, et al.

Order allowing certiorari.

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The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

George A. McBride, Assignor to the Western Cartridge Co.,

Petitioner,

vs.

Oliver J. Teeple, Assignor to the E. I. duPont de Nemours & Company.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

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ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

In the Matter of Joseph Rubinstein,

Petitioner;

107 and

In the Matter of Charles Rubinstein,

Petitioner.

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ON CONSIDERATION of the motion to dispense with printing portions of the record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

In the Matter of Joseph Rubinstein, Petitioner.

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On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Charles Rubinstein, Petitioner.

108

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph J. Mascuch, Petitioner,

116 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Philippine National Bank, Petitioner,

119 vs.

Philippine Trust Company and Union Insurance Society of Canton, Ltd.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Marjorie Fleming Lloyd-Smith, Petitioner,

129 vs.

Donald Bicknell, Receiver of the Bank of Saginaw, Saginaw, Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Samuel Camarata,

Petitioner,

135 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Frank Wolf,

Petitioner,

137 vs.

S. C. Schram, Receiver of First National Bank - Detroit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Margaret Holmes Davis,

Petitioner,

138 vs.

S. C. Schram, Receiver of First National Bank - Detroit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Sam A. Wilson,
Petitioner,
164 vs.
John N. Thelen.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Sam A. Wilson,
Petitioner,
164 vs.
John N. Thelen.

On petition for writ of certiorari to the Supreme Court of the State of Montana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Montana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Winifred Hitchcock,
Petitioner,
175 vs.
Wiley Hitchcock.

ON CONSIDERATION of the motion to proceed on the typewritten petition in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Winifred Hitchcock,
Petitioner,
175 vs.
Wiley Hitchcock.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Lackner,
Petitioner,
204 vs.
Illinois Bell Telephone Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Frankfurter took no part in the consideration and decision of this application.

Chapman Brothers Company,
Petitioner,
209 vs.
Security-First National Bank of Los Angeles.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Genevieve P. St. Marie and Seventeen (17) Others,

Petitioners,

263 vs.

The United States of America, Trustee, et al.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Genevieve P. St. Marie and Seventeen (17) Others,

Petitioners,

263 vs.

The United States of America, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Charles M. Albers, as Receiver of Woodlawn Trust and Savings Bank,

Petitioner,

271 vs.

James A. Farley, Henry Morgenthau, Jr., and Robert H. Jackson as Trustees of the Postal Savings System, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

295 vs.

George Polakoff and William Albert.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

296 vs.

Thomas J. Fallon.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

T. L. Morris, L. Hugh Morris, M. N. Morris, et al.,

Petitioners,

297 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Charles Kimmich,

Petitioner,

342 vs.

New York Clearing House Association, et al.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles Kimmich,

Petitioner,

342 vs.

New York Clearing House Association, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mohonk Realty Corporation,

Petitioner,

343 vs.

Wise Shoe Stores, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Ray Ritter, et al.,

Petitioners,

354 vs.

Milk and Ice Cream Driver and Dairy Employees Union Local 336, et al.

ON CONSIDERATION of the motion to dispense with the printing and service of portions of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ray Ritter, et al.,

Petitioners,

354 vs.

Milk and Ice Cream Driver and Dairy Employees Union Local 336, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alva B. Davis,
Petitioner,
357 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Southern Pacific Company,
Petitioner,
375 vs.
Steamship "Eastern Glade," etc.; and

Southern Pacific Company,
Petitioner,
376 vs.
Postal Steamship Corporation.

ON CONSIDERATION of the motion to use the certified record in Nos. 73 and 74, October Term, 1939,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,
Petitioner,
375 vs.
Steamship "Eastern Glade," etc.,
Postal Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Pacific Company, Petitioner, vs. Postal Steamship Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

376

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Susie Williams, et al., Petitioners, vs. Allen Tooke, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

67

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lumbermens Mutual Casualty Company, Petitioner, vs. Mrs. Leotia E. McIver, Jeff Clark, Grace Vaughn, a Minor and Loraine Johnson. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

77

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julius G. Brashear, Charles E. Griggs and Mrs. Charles E. Griggs, etc., et al.,
Petitioners,
80 vs.
Intermountain Building and Loan Association, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Duluth, Missabe and Iron Range Railway Company,
Petitioner,
81 vs.
Thomas Henry Ross, by Ada Ross, General Guardian.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret B. Carpenter and L. E. Carpenter, Also Known as Leroy E. Carpenter,
Petitioners,
93 vs.
Archibald J. Hamilton.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer W. Kelley and the General Street Signal Corporation,

Petitioners,

94 vs.

The City of Syracuse, Crouse-Hinds Company, Syracuse Lighting Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Humble Oil & Refining Company, et al.,

Petitioners,

95 vs.

W. C. Turnbow, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. G. Trippett and A. H. Meadows,

Petitioners,

96 vs.

Polaris Iron Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Hawke,
Petitioner,
100 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry F. DuPont,
Petitioner,
101 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atlantic Refining Company,
Petitioner,
102 vs.
James B. Berry Sons Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Adler's Creamery, Inc.,
Petitioner,
103 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Union Trust Company of Indianapolis, as Former Executor of the Last Will and Testament of William H. Block, Deceased,
Petitioner,
105 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Washington County Fire Insurance Company, Washington, Pennsylvania,

Petitioner,

106 vs.

William Driscoll, Collector of Internal Revenue, 23rd District of Pennsylvania, Pittsburgh, Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lee H. Marshall Heirs, et al., Fidelity Trust Company, Trustee,

Petitioners,

110 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry F. Doyle and Lucy J. Doyle, (Husband and Wife),

Petitioners,

111 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chain O'Mines, Incorporated, et al., Petitioners,
118 vs.
United Gilpin Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lilley Cornett, Petitioner,
122 vs.
Swift Coal & Timber Company, Charles S. Landrum and American Column & Lumber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harriet K. Moon, Petitioner,
123 vs.
The Home Life Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harriet K. Moon,

Petitioner,

124 vs.

Mutual Benefit Health & Accident Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. E. Riley Investment Company, Harry P. Sheppard and Harry Donnelley,

Petitioners,

127 vs.

Walter Sakow.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Willard Manufacturing Company,

Petitioner,

130 vs.

J. E. Kennedy, Former Collector.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Willard Manufacturing Company,

Petitioner,

131 vs.

Robert W. McCuen, Collector.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago and North Western Railway Company, et al.,

Petitioners,

139 vs.

Rockwell Lime Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Village of Haverstraw,

Petitioner,

140 vs.

Clyde Potts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. J. Delaney,

Petitioner,

142 vs.

Nat Rogan, Collector of Internal Revenue for the Sixth Collection District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Will G. Rea and Frank Foresman, as Trustees of the Rea & Read Mill & Elevator Company,

Petitioners,

145 vs.

Acel C. Alexander, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Splint Coal Corporation,

Petitioner,

146 vs.

Mrs. Walter Anderson, Administratrix of the Estate of Walter Anderson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John R. Longo,

Petitioner,

147 vs.

The State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lucien H. Tyng,

Petitioner,

148 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. B. Gilstrap, Cora D. Gilstrap and Vera G. White,

Petitioners,

150 vs.

Standard Oil Company, Standard Oil Company of California, J. A. Brower, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. M. Gilstrap,
Petitioner,
151 vs.
Standard Oil Company, Standard Oil Company of California, J. A. Brower, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Greenebaum Tanning Company,
Petitioner,
152 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartley Caldwell,
Petitioner,
153 vs.
The People of the State of California.

On petition for writ of certiorari to the Superior Court in and for the County of Los Angeles, Appellate Department, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court in and for the County of Los Angeles, Appellate Department, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Sam Darcy,

Petitioner,

154 vs.

Superintendent of County Prisons of Philadelphia, Sergeant Jacob Gomborrow, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Town of Largo, in Pinellas County, Florida,

Petitioner,

155 vs.

Hugh Richmond.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Manila Electric Company,

Petitioner,

159 vs.

A. L. Yatco, Collector of Internal Revenue of the Philippines.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard Smith and Geraldine J. Hall,

Petitioners,

160 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin Engebretson, Trustee of the Estate of the Brictson Manufacturing Company, Bankrupt,

Petitioner,

161 vs.

Ralph M. West and The Aetna Casualty and Surety Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin Engebretson, Trustee of the Estate of the Brictson Manufacturing Company, Bankrupt,

Petitioner,

162 vs.

John T. Marcell, Harry S. Byrne and Fidelity and Deposit Company of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Friedman, Sydney C. Johnson, C. O. Moon, et al.,

Petitioners,

163 vs.

City of Atlanta, William B. Hartsfield, as Mayor of the City of Atlanta, et al.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora B. Hendron, et al.,

Petitioners,

165 vs.

Yount-Lee Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. F. Thornburgh, Administrator of the Estate of Winston Arthur Cameron, Deceased,

Petitioner,

167 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frederick C. Overbury, Petitioner,

168 vs.

John W. Platten and Kintzing P. Emmons, Individually and as Executors and Trustees of and Under the Will of Charles L. Denison, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Buchsbaum, Petitioner,

169 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Hygienic Products Company, Petitioner,

171 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

I. M. Nakdimen, H. S. Nakdimen, A. F. Hoge and Gus Krone,

Petitioners,

172 vs.

Lazare Baker.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Drug Company,

Petitioner,

174 vs.

Obear-Nester Glass Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

179 vs.

Arlington, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herbert Fleishhacker,

Petitioner,

181 vs.

Lucien Blum, Edmond Lang, Elizabeth Lang, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Strates, Individually and as Administrator of the Estate of J. L. Dimotsis, Deceased, etc., et al.,

Petitioners,

182 vs.

Eugenia Dimotsis, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

184 vs.

Horseshoe Lease Syndicate.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pennsylvania-Reading Seashore Lines,
Petitioner,
185 vs.
Hildegarde Cawman, Admx. Estate of John W. Cawman, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Francisco de la Torre,
Petitioner,
186 vs.
The First National Bank of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman Baker,
Petitioner,
193 vs.
The State of Arkansas.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commercial Casualty Insurance Company,

Petitioner,

195 vs.

Marjorie W. Stinson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Manufacturing Company,

Petitioner,

196 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Cashman,

Petitioner,

197 vs.

The Marshall's U. S. Auto Supply, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert R. Cox,

Petitioner,

198 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ethel K. Childers,

Petitioner,

199 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,

Petitioner,

202 vs.

Earl D. Alford, Administrator of the Estate of Frederick W. Weidman, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,

Petitioner,

203 vs.

Earl D. Alford, Administrator of the Estate of Mamie M. Weidman, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guadalupe R. Gallegos and Francesca Gallegos, His Wife, et al.,

Petitioners,

206 vs.

Lloyd R. Smith, Corporation Commissioner of the State of Oregon.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Compress of Union, et al.,

Petitioners,

207 vs.

A. H. Stone, Tax Commissioner.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Kulesza, Frank Heynar and Zigmunt Dzienisiswicz, etc.,

Petitioners,

208 vs.

American Car and Foundry Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tovrea Packing Company,

Petitioner,

215 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commissioners of the Sinking Fund of the City of Louisville,

Petitioner,

216 vs.

A. M. Anderson, Receiver, National Bank of Kentucky and National Bank of Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ralph R. Kelley,

Petitioner,

217 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin H. Fuller and John J. Bernich,

Petitioners,

220 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry C. Ritter and Chris S. Knaur,

Petitioners,

221 vs.

Wyoga Gas and Oil Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sara Adler (Now Sara Cowley-Brown),
Petitioner,
223 vs.
Sidney Adler.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred P. Hayward, et al.,
Petitioners,
224 vs.
City of Corpus Christi.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Doster Noland,
Petitioner,
226 vs.
Vyola Bubb Noland, Also Known as Vyola Bubb Loughman and Wilfred L. Farrar.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Land Oberoesterreich,

Petitioner,

227 vs.

Walter E. Gude and A. Spotswood Campbell, as Executors of the Estate of Edward C. Gude, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Neil H. Amiot, Guardian of Hubert S. Amiot, etc., et al.,

Petitioners,

229 vs.

Kansas City Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James B. Berry Sons' Company, Inc.,

Petitioner,

233 vs.

The New York Central Railroad Company, Lessee of Michigan Central Railroad.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stoody Company,

Petitioner,

238 vs.

Carlton Metals, Inc., A. J. Carlton, Mike Mikels and H. A. D. Mikels.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Katherine Kraft,

Petitioner,

239 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Safway Steel Scaffolds Co. of Wisconsin,

Petitioner,

247 vs.

The Patent Scaffolding Company and Gerhardt F. Meyne Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

249 vs.

Rector & Davidson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. R. Brinkley,

Petitioner,

252 vs.

Morris Fishbein.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

254 vs.

Edward Mallinckrodt, Jr., et al., Trustees, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. K. Person,

Petitioner,

256 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,

Petitioner,

261 vs.

Mrs. Ida C. Boult.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Shaw-Walker Company, Robert B. Hillyard and Walter S. Hillyard, Doing Business as Shine-All Sales Company, et al.,

Petitioners,

262 vs.

The National Benefit Life Insurance Company, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clara C. Bolles,

Petitioner,

270 vs.

The Toledo Trust Company, Executor of the Will of George A. Bolles, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter K. Barnes, Trading as Barnes and Lofland,

Petitioner,

275 vs.

L. M. Reed, Receiver of the Commercial Bank of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Automatic Devices Corporation,

Petitioner,

277 vs.

Sinko Tool & Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Sabin and Benjamin Sabin, Trading as Arcadia Hosiery Company,

Petitioners,

280 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

P. W. Jackson, Trustee in Bankruptcy of the Estate of Leonard J. Woodruff, a Bankrupt,

Petitioner,

285 vs.

E. A. Lynch, Receiver in Bankruptcy of the Estate of Leonard J. Woodruff, Alleged Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Williams,

Petitioner,

288 vs.

National Surety Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Steamship Company, Petitioner, vs. C. M. Meyners. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

289

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

West Side Tennis Club, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

292

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stephen Westover, Trustee in Bankruptcy of Grand Avenue Lumber Company, Bankrupt, Petitioner, vs. Valley National Bank. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

294

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Claude A. Hertz, as Trustee in Bankruptcy of McPerson & Foster Company, bankrupt,

Petitioner,

vs.

National City Bank of Evansville, Indiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

298

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Timken-Detroit Axle Company,

Petitioner,

vs.

Lempco Products, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

301

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peter Balinovic,

Petitioner,

vs.

The Evening Star Newspaper Company.

On petition forwrit of certiorari to the United States Court of Appeals for the District of Columbia.

302

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Williams, Petitioner,

303 vs.

John J. Golden, Marshal, City of St. Louis.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frost Lumber Industries, Inc., Petitioner,

305 vs.

Republic Production Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Travelers Insurance Company, Petitioner,

306 vs.

Evelyn Price, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Royal Insurance Company, Ltd.,

Petitioner,

307 vs.

Robert A. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Missouri by and through the Unemployment Compensation Commission and Harry P. Drisler, Treasurer,

Petitioner,

308 vs.

Warren S. Earhart, Trustee in Bankruptcy for Burnap-Meyer, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

310 vs.

City National Bank and Trust Company of Chicago, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacob Mehrlust,

Petitioner,

316 vs.

Joseph T. Higgins, Individually and as Collector of Internal Revenue for the Third District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary A. Huffman,

Petitioner,

317 vs.

The City of Wichita.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. M. Bonner and Mabel R. Bonner,

Petitioners,

318 vs.

W. L. Suiter, A. C. Hagg, William Strehle and H. S. Hickok.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American National Bank of Nashville, Tennessee,

Petitioner,

323 vs.

City of Sanford, Florida, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry C. Davis, C. J. Root and Roy Hollis,

Petitioners,

324 vs.

City of Homestead, Florida and the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward E. Stevens,

Petitioner,

325 vs.

Clara M. Edwards, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Trust Company of New York and Frances Seymour Brokaw, as Executors of the Last Will and Testament of George Tuttle Brokaw, Deceased,

Petitioners,

328 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Campagnie Generale Transatlantique,

Petitioner,

329 vs.

George V. Tawes.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alamitos Land Company,

Petitioner,

335 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Food Machinery Corporation,

Petitioner,

347 vs.

Fruit Treating Corporation, Winter Park Packing Company, McDonald Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Oregon Short Line Railroad Company and Saint Paul Mercury Indemnity Company of St. Paul,

Petitioners,

348 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert M. Lieberman, Emil Cohn, Jr., and George F. McCann, etc.,

Petitioners,

350 vs.

City of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Porter-Wadley Lumber Company, et al.,

Petitioners,

358 vs.

C. Orbin Bailey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Porter Wadley Lumber Company, et al.,

Petitioners,

359 vs.

James T. Pruitt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Long Island Drug Company, Inc.,

Petitioner,

360 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Long Island Drug Company, Inc.,

Petitioner,

361 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Union Fire Insurance Company,

Petitioner,

365 vs.

E. Eggers, Individually and as Claimant of the Tug "Fanny D" and Barge Texas No. 2.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, as Trustees of the New York, New Haven and Hartford Railroad Company,

Petitioners,

370 vs.

John J. McCarthy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William G. Wall,

Petitioner,

372 vs.

State Board of Bar Examiners of the State of New Jersey.

On petition for writ of certiorari to the Supreme Court of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Hoffman Machinery Corporation,

Petitioner,

383 vs.

Cummings-Landau Laundry Machinery Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The City of St. Louis, Anne M. Evans, Henry Ernst and Sarah Ernst,

Petitioners,

385 vs.

Charlotte Clark Lindsay.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grover D. Turnbow, C. E. Gray and Lederle Laboratories, Inc.,

Petitioners,

401 vs.

Farmers Cooperative Exchange, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles A. McCulloch,

Petitioner,

452 vs.

Wilbur L. Loftus.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

621 O.T. 1939 vs.

The Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Moon,

Petitioner,

854 O.T. 1939 vs.

The Union Central Life Insurance Company, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arrow Distilleries, Inc.,

Petitioner,

950 O.T. 1939 vs.

Wilford S. Alexander, Administrator, etc.

ON CONSIDERATION of the motion for leave to withdraw the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The H. Rouw Company,

Petitioner,

459 O.T. 1939 vs.

Frank J. Crivella.

IT IS ORDERED that the mandate in this case be and it hereby is recalled. The judgment of this Court dated May 27, 1940, is modified so as to provide that the reversal shall be without costs to either party in this Court.

The petition for rehearing is denied.

Per Mr. Chief Justice Hughes.

The judgment in this case, dated May 27, 1940, as amended, to read as follows:

The H. Rouw Company,
Petitioner,
459 O.T. 1939 vs.
Frank J. Crivella.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Arkansas with directions to hear the appeal from the award of the Secretary of Agriculture.

Per Mr. Chief Justice Hughes.

Ex parte Edmond C. Fletcher,
Petitioner.
—, Original
O.T. 1939

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Albert Leighton,
Petitioner.
—, Original, O.T. 1939

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sontag Chain Stores Co., Ltd.,

Petitioner,

671 O.T. 1939 vs.

National Nut Company of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

705 O.T. 1939 vs.

Emmett F. Dickerson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, Interstate Commerce Commission, et al.,

Appellants,

713 O.T. 1939 vs.

The American Trucking Associations, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Franz J. Borchard and Freida W. Borchard,

Petitioners,

752 O.T. 1939 vs.

California Bank and California Trust Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer Ray Lowman,

Petitioner,

765 O.T. 1939 vs.

The Federal Land Bank of Louisville, Kentucky, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

North Whittier Heights Citrus Association,

Petitioner,

853 O.T. 1939 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian W. Pretwell,

Petitioner,

882 O.T. 1939 vs.

Gillette Safety Razor Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 O.T. 1939 vs.

The Warrich Corporation and Robert Eiger, Doing Business Under the Name of Eiger Realty Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Annie Bunton Parsons, Loula Bunton Shely and Dora Bunton Cunningham, et al.,

Petitioners,

938 O.T. 1939 vs.

David B. Childs and Herbert V. Jones, Trustees of Mary Atkin's Residuary Estate.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
ex rel. Michael Tsevdos,

939 O.T. 1939 Petitioner,

Rudolph Reimer, Commissioner
of Immigration.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Andre deCoppet and Muriel deCoppet,

Petitioners,

954 O.T. 1939 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jane Holding Corporation,

Petitioner,

999 O.T. 1939 vs.

Guy T. Helvering, Commissioner
of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dr. J. D. Bradley,

Petitioner,

1028 O.T. 1939 vs.

Hon. Frank Simpson, Solicitor General ex rel. of Piedmont Circuit, Georgia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Touchton,

Petitioner,

1038 O.T. 1939 vs.

City of Fort Pierce, Florida, Debtor.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Max Ziskin,

Petitioner,

1057 O.T. 1939 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Petitioner,

12 vs.

Appalachian Electric Power Company.

Four and three-quarters hours allowed for oral argument.

Argument commenced by Mr. Solicitor General Biddle for the Petitioner; continued by Mr. Raymond T. Jackson for the Respondent; and by Mr. A[illegible] P. Staples for the Commonwealth of Virginia as amicus curiae, by special leave of Court.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Wm. N. Stokes, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney J. Kaplan, It is ordered that Arnold Levy, Esquire, of Silver Spring, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Irwin A. Churchill, Esquire, of Huron, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis G. Boswell, It is ordered that Joseph M. Motolo, Esquire, of Palisades Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer T.

Bell, It is ordered that David I. Hubar, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gilmore Beely, It is ordered that Marie M. Nelson, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Lynn A. Williams, It is ordered that Warren C. Horton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Cyril A. Burns, Esquire, of Pontiac, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Morneys Wiener, It is ordered that Charles W. West, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl H. Michelet, It is ordered that Benjamin Soper Swantz, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. McNamara, It is ordered that John Augustus Hutchins, Esquire, of Weymouth, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Charles S. Williston, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Robert W. Boyd, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

12 vs.

Appalachian Electric Power Company.

Argument continued by Mr. Abram P. Staples for the Commonwealth of Virginia, as amicus curiae, by special leave of Court; by Mr. Raymond T. Jackson for the Respondent; and concluded by Mr. Solicitor General Biddle for the Petitioner.

Leave granted Petitioner and Respondent to file additional briefs within five days.

The United States of America,

Appellant,

3 vs.

Northern Pacific Railway Company, et al.

Six hours allowed for the reargument of this case.

Reargument commenced by Mr. Frederick Bernays Wiener for the Appellant and continued by Mr. John W. Davis for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, OCTOBER 16, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Dion S. Birney, It is ordered that

Charles F. Delbridge, Esquire, of Detroit,
State of Michigan; and

Francis W. McCauley, Esquire, of Detroit,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that John D. Kennedy, Esquire, of Fort Lauderdale, State of Florida, be admitted to practice as Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that

Edwin J. Culligan, Esquire, of Buffalo,
State of New York; and

John P. Loughnane, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that Frank B. Yeakum, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Abba Abrams, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

3 vs.

Northern Pacific Railway Company, et al.

Reargument continued by Mr. John W. Davis and by Mr. Lorenzo B. daPonte for the Appellees and concluded by Mr. Frederick Bernays Wiener for the Appellant.

Harry H. Neuberger,

Petitioner,

5 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Wilbur H. Friedman for the Petitioner and continued by Mr. J. Louis Monarch for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George C. Ower, Jr., It is ordered that Thos. L. O'Leary, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bailey Stanton, It is ordered that S. J. Stanton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith W. Brookhart, It is ordered that Jack Lewis Kraus II, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Automatic Device Corporation,
Petitioner,
277 vs.
Sinko Tool & Manufacturing Company.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Drury W. Cooper, Mr. Thomas J. Byrne, and Mr. Henry M. Huxley for the Petitioner.

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Harry H. Neuberger,

Petitioner,

5 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. J. Louis Monarch for the Respondent and concluded by Mr. Wilbur H. Friedman for the Petitioner.

The United States of America,

Petitioner,

13 vs.

Ashby Oliver Stewart.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. W. Glenn Harmon and Mr. Ernest L. Wilkinson for the Respondent.

Republic Steel Corporation,

Petitioner,

14 vs.

National Labor Relations Board and
Steel Workers Organizing Committee.

Argument commenced by Mr. Luther Day for the Petitioner; continued by Mr. Thomas E. Harris for the Respondent, National Labor Relations Board; and concluded by Mr. Thomas F. Patton for the Petitioner.

Fleisher Engineering & Construction Co., et al.,

Petitioners,

15 vs.

The United States of America, for the use and benefit of George S. Hallenbeck, etc.

Argument commenced by Mr. Frank Gibbons for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 18, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Vincent M. Rotolo, Esquire, of Hackensack, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that

Firman P. Lyle, Esquire, of Pittsburgh, State of Pennsylvania;

Gordon S. Parker, Esquire, of Pittsburgh, State of Pennsylvania; and

Arthur T. Stratton, Esquire, of Pittsburgh, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Phillips, It is ordered that Ernest Reginald Cushing, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Vito F. Lanza, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Z. & F. Assets Realization Corporation,

Petitioner,

381 vs.

Cordell Hull, Secretary of State, et al.; and

American-Hawaiian Steamship Company,

Petitioner,

382 vs.

Cordell Hull, Secretary of State, et al.

Motion to advance submitted by Mr. Amos J. Peasley on behalf of counsel for the Respondent, Lehigh Valley Railroad Company.

Ray Hitter, et al.,

Petitioners,

354 vs.

Milk and Ice Cream Driver and Dairy Employees Union Local 336, et al.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Charles Auerbach for the Petitioners.

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Fleisher Engineering & Construction Co., et al.,

Petitioners,

15 vs.

The United States of America, for the use and benefit of George S. Hallenbeck, etc.

Argument continued by Mr. Frank Gibbons for the Petitioners; by Mr.

Edwin J. Culligan for the Respondent; and concluded by Mr. Frank Gibbons for the Petitioners.

Robert J. Deckert, Roland W. Randal, et al.,

Petitioners,

17 vs.

Independence Shares Corporation, et al.; and

Robert J. Deckert, Roland W. Randal, et al.,

Petitioners,

18 vs.

The Pennsylvania Company for Insurance on Lives and Granting Annuities.

Argued by Mr. Harry Shapiro for the Petitioners; by Mr. Robert P. Irwin, Jr., for the Respondents in No. 17; and by Mr. Walter Biddle Saul for the Respondent in No. 18.

Harry Bridges,

Petitioner,

19 vs.

State of California.

Argument commenced by Mr. A. L. Wirin for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George P. Morse, It is ordered that Joseph Gerard Kelly, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hammond E. Chaffetz, It is ordered that Irvin C. Mollison, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen W. Ashburn, It is ordered that George M. Breslin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Schweinhaut, It is ordered that Ben F. Foster, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W.

Preston, It is ordered that Irving M. Smith, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Cashion, It is ordered that Andrew W. Sexton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Robert Houston French, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

Edgar W. Waybright, Sr., Esquire, of Jacksonville, State of Florida;

Thelma Hudson Waybright, of Jacksonville, (Mrs.) State of Florida;

Edgar W. Waybright, Jr., Esquire, of Jacksonville, State of Florida; and

Roger J. Waybright, Esquire, of Jacksonville, State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that Herbert S. Thatcher, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following order of the Court:

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Continental Assurance Company, Appellant, vs. State of Tennessee. Appeal from the Supreme Court of the State of Tennessee.

117

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1940.

ORDER.

It is ordered that Rule V of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

V. *Supersedeas.* An appeal from a judgment of conviction stays the execution of the judgment, unless the defendant pending his appeal shall elect to enter upon the service of his sentence. The trial court or the circuit court of appeals may stay the execution of any sentence to pay a fine or fine and costs upon such terms as it may deem proper. It may require the defendant pending the appeal to pay to the clerk in escrow the whole or any part of such fine and costs, to submit to an examination as to his assets, or to give a supersedeas bond, and it may likewise make any appropriate order to restrain the defendant from dissipating his assets and thereby preventing the collection of such fine.

October 21, 1940.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1940.

ORDER.

It is ordered that paragraph 2 of Rule 36 of the Rules of this Court be amended so as to read as follows:

2. Supersedeas bonds must be taken, with good and sufficient security, that the appellant shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good. Such indemnity, where the judgment or decree is for the recovery of money not otherwise secured, must be for the whole amount of the judgment or decree, including just damages for delay, and costs and interest on the appeal, unless, after notice and hearing and for good cause shown, the judge or justice allowing the appeal fixes a different amount or orders security other than the bond; but in all suits where the property in controversy necessarily follows the event of the suit, as in real actions, replevin, and suits on mortgages, or where the property is in the custody of the marshal under admiralty process, as in case of capture or seizure, or where the proceeds thereof, or a bond for the value thereof, is in the custody or control of the court, indemnity is only required in an amount sufficient to secure the sum recovered for the use and detention of the property, and the costs of the suit, and just damages for delay, and costs and interest on the appeal.

October 21, 1940.

Ex parte F. Harold Schmitt,

Petitioner.

—

ON CONSIDERATION of the motion to direct the Clerk to amend the roll of attorneys to show the change of the name of F. Harold Schmitt to "F. Harold Smith,"

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex parte David H. Johnson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Merritt B. Schuyler,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Clarence M. Brummitt,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte M. J. Cusick,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Kansas,

Complainant,

11, Original vs.

State of Missouri.

The answer of the Defendant in this case having been received and submitted, IT IS ORDERED that said answer be filed.

Per Mr. Chief Justice Hughes.

State of Kansas,

Complainant,

11, Original vs.

State of Missouri.

ON CONSIDERATION of the motion to reconsider the order denying E. A. Cole leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Kansas,

Complainant,

11, Original vs.

The State of Missouri.

O R D E R

IT IS ORDERED that Dean G. Acheson, Esq., of Washington, D. C., be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court.

The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas,
et al.,

Petitioners,

681 O.T. 1939 vs.

Rowan & Nichols Oil Co.

IT IS ORDERED that the following sentence on page 4 of the opinion handed down June 3, 1940, be stricken from the opinion:

> "Except where the jurisdiction rests, as it does not here, on diversity of citizenship, the only question open to a federal tribunal is whether the state action complained of has transgressed whatever restrictions the vague contours of the Due Process Clause may place upon the exercise of the state's regulatory power."

IT IS FURTHER ORDERED that the following paragraph be added at the close of the opinion:

> "While the presence of a federal question may also open up state issues, Siler v. Louisville & N. R. R., 213 U.S. 175, the claim here founded on Texas law is derived from a statute requiring proration on a "reasonable basis." Vernon's Texas Annotated Civil Statutes (1925) art. 6049c, §7. The Texas decisions, in so far as they have been brought to our attention, do not make clear whether the local courts may exercise an independent judgment on what is "reasonable." Compare Brown v. Humble Oil & Refining Co., 126 Tex. 296, 316. But, in any event, as we read the Texas cases, the standard of "reasonable basis" under the statute opens up the same range of inquiry as the respondent in effect asserted to exist in his claims under the Due Process Clause. These latter claims we have found untenable. What ought not to be done by the federal courts when the Due Process Clause is invoked ought not to be attempted by these courts under the guise of enforcing a state statute. Whether the respondent may still have a remedy in the state courts is for the Texas Courts to determine, and is not foreclosed by the denial, on the grounds we have indicated, of the extraordinary relief of an injunction in the federal courts."

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas,
et al.,

Petitioners,

681 O.T. 1939 vs.

Rowan & Nichols Oil Co.

ON CONSIDERATION of the motion of counsel for the Respondents for leave to present oral argument on the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas, et al.,

Petitioners,

681 O.T. 1939 vs.

Howan & Nichols Oil Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Automatic Devices Corporation,

Petitioner,

277 vs.

Sinko Tool & Manufacturing Company.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ray Ritter, et al.,

Petitioners,

354 vs.

Milk and Ice Cream Driver and Dairy Employees Union Local 336, et al.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Z. & F. Assets Realization Corporation,

Petitioner,

381 vs.

Cordell Hull, Secretary of State, et al.; and

American-Hawaiian Steamship Company,

Petitioner,

382 vs.

Cordell Hull, Secretary of State, et al.

ON CONSIDERATION of the motion to advance these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the cases are set for hearing on Monday, December 9, next.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Albert Smith,

Petitioner,

364 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Albert Smith,

Petitioner,

364 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Nebraska is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles H. Knight,

Petitioner,

367 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles H. Knight,

Petitioner,

367 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application for a writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

Earl Alexander,

Petitioner,

126 vs.

Joseph O'Grady, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Earl Alexander,

Petitioner,

126 vs.

Joseph O'Grady, Warden, Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otha Davis,

Petitioner,

149 vs.

Joseph O'Grady, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otha Davis,

Petitioner,

149 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlie W. Johnson,

Petitioner,

353 vs.

Joseph W. Sanford, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlie W. Johnson,

Petitioner,

353 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo Carpenter,

Petitioner,

366 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo Carpenter,

Petitioner,

366 vs.

Robert H. Hudspeth, as Warden of the United States Penitentiary at Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rosalyn Randle, alias Helen G. Randle, etc.,

Petitioner,

389 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rosalyn Randle, Alias Helen G. Randle, Alias Helen Gertrude Davis,

Petitioner,

389 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otto Barnowski,

Petitioner,

391 vs.

Robert H.Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Otto Barnowski,

Petitioner,

391 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter McDonald,

Petitioner,

390 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter McDonald,

Petitioner,

390 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Carter Oil Company,

Petitioner,

304 vs.

John F. Welker, Nellie E. Welker, Eastern Illinois and Peoria Railroad Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Leroy A. Berry,

Petitioner,

336 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Margaret Conway,

Petitioner,

344 vs.

George H. O'Brien.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Stanley R. Hemphill,

Petitioner,

369 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charlotte Cross Just and Anne Elise Gruner,

Petitioners,

373 vs.

Alma Chambers, as Executrix of the Estate of Henry C. Yeiser, Jr., as Owner of the American Yacht "Friendship II."

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Howard E. Breisch,

Petitioner,

384 vs.

Central Railroad of New Jersey.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

393 vs.

Arthur Pelzer.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Arthur McCoy,

Petitioner,

68 vs.

State of West Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application for a writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

John Painter,

Petitioner,

355 vs.

Baltimore and Ohio Railroad Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application for a writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Monte E. Hart, J. Emory Adams, et al.,

Petitioners,

322 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a supplemental petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Monte E. Hart, J. Emory Adams, Seymour Weiss and Louis C. LeSage,

Petitioners,

322 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

C. M. Bair,

Petitioner,

351 vs.

Bank of America National Trust and Savings Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Guy A. Thompson, Trustee, etc.,

Petitioner,

403 vs.

Neal Wiley.

ON CONSIDERATION of the suggestion of a diminution of the record in this case and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for a writ of certiorari herein be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Guy A. Thompson, Trustee for the Missouri Pacific Railroad Company,
Petitioner,

403 vs.

Neal Wiley.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. S. Simmons, (Rosa J. Simmons, Temporary Administratrix Substituted in Place of W. S. Simmons, Deceased),
Petitioner,

379 vs.

Peavy-Welsh Lumber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy are of the opinion that the petition for writ of certiorari should be granted.

J. D. Langston and E. F. Godwin,
Petitioners,

109 vs.

The State of South Carolina.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of
Morton D. Bluestone,

Petitioner.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

225

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Trust Company,

Petitioner,

290 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes Oliwa, Peter C. Faust and William E. Carothers, etc., et al.,

Petitioners,

311 vs.

United States Steel Corporation, Carnegie Steel Company, Clairton By-Product Coke Company, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes Gliwa, et al., Petitioners,

334 vs.

United States Steel Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

County of Fresno and Walter S. Henderson, Jr., Assessor of the County of Fresno, State of California, Petitioners,

341 vs.

Commodity Credit Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION OF THE PETITION FOR A WRIT of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rosie Lee Jackson, Lela Dimmer, Lucindia Gipson, et al., Petitioners,

374 vs.

United Gas Public Service Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ngim Ah Oy,

Petitioner,

380 vs.

Edward L. Haff, as District Director United States Immigration and Naturalization Service, Port of San Francisco, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Continental Oil Company,

Petitioner,

386 vs.

H. C. Jones, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O/Y Wipu, as Owner of the Finnish Steamer "Wilja,"

Petitioner,

388 vs.

Louis Louis Dreyfus, et al., Copartners Doing Business Under the Firm Name and Style of Louis Dreyfus & Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

394 vs.

Byron Brown Ralston.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alaska Steamship Company, Owner of the American Steamship "Denali,"

Petitioner,

395 vs.

Pacific Coast Coal Company, et al., and United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert P. Buggs,

Petitioner,

396 vs.

Ford Motor Company, a Foreign Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Hamilton Laboratories, Inc.,
Petitioner,
398 vs.
Samuel E. Massengill, Doing Business as the S. E. Massengill Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Main and McKinney Building Company of Houston, Texas,
Petitioner,
402 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Minerals Corporation,
Petitioner,
404 vs.
Jay Simmons, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, October 28, until Tuesday, November 12, next.

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Ex parte National Labor Relations Board,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus or prohibition presented.

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Harry Bridges,

Petitioner,

19 vs.

State of California.

Argument continued by Mr. Allen W. Ashburn for the Respondent and concluded by Mr. A. L. Wirin for the Petitioner.

Three days allowed counsel to file additional briefs.

The Times-Mirror Company and L. D. Hotchkiss,

Petitioners,

64 vs.

The Superior Court of the State of California in and for the County of Los Angeles.

Argued by Mr. T. B. Cosgrove for the petitioners and by Mr. Allen W. Ashburn for the Respondent.

Milk Wagon Drivers Union Local
753, et al.,

Petitioners,

20 vs.

Lake Valley Farm Products, Inc.,
et al.

Argument commenced by Mr. Abraham W. Brussell for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

Bertram Edises, Esquire, of San Francisco, State of California; and

Morris P. Glushien, Esquire, of Brooklyn, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean Hill Stanley, It is ordered that Charles O. Chandler, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Rosalie M. Moynahan, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. George P. Morse, It is ordered that William V. O'Connor, Esquire, of Washington, Dis-

trict of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Miller, It is ordered that Max W. Soffer, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Walser Sly Greathouse, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Houston, It is ordered that Cornelius F. Stradford, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond C. Cushwa, It is ordered that Elvira Lawrence Bleadinghiser, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Lee B. Thompson, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

Motion to advance submitted by Mr. Raymond C. Cushwa on behalf of counsel for the Respondent.

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Milk Wagon Drivers Union Local
753, et al.,

Petitioners,

20 vs.

Lake Valley Farm Products, Inc.,
et al.

Argument continued by Mr. Arthur R. Seelig for the Respondents and concluded by Mr. Abraham W. Brussell for the Petitioners.

Barcardi Corporation of America,

Petitioner,

21 vs.

Manuel V. Domenech, Treasurer, et al.

Argument commenced by Mr. Edward S. Rogers for the Petitioner; continued by Mr. William Cattron Rigby for the Respondent, Manuel V. Domenech, Treasurer of Puerto Rico; by Mr. David A. Buckley, Jr., for the Intervenor-Respondent, Destilleria Serralles, Inc.; and concluded by Mr. Preston B. Kavanagh for the Petitioner.

Wilson and Co., Inc.,

Petitioner,

23 vs.

The United States;

Wilson & Co., Inc., of Kansas,

Petitioner,

24 vs.

The United States; and

T. M. Sinclair & Company, Limited,

Petitioner,

25 vs.

The United States.

Argument commenced by Mr. Dean G. Acheson for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Franklin Clyde Baggarly, It is ordered that Walter B. Whitcomb, Esquire, of Bellingham, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that

Jacob L. Miller, Esquire, of Newark, State of New Jersey; and

James M. Joyce, Esquire, of Jersey City, State of New Jersey;

be admitted to practice as Attorneys and Counsellorsof this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon A. Ransom, It is ordered that Truman K. Gibson, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl B. Dickerson, It is ordered that Loring B. Moore, Esquire, of Chicago, State of

Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marcus Borchardt, It is ordered that Ben A. Hill, Esquire, of San Pedro, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Myron Parker, It is ordered that Joel R. Parker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Wilson and Co., Inc.,

Petitioner,

23 vs.

The United States;

Wilson & Co., Inc., of Kansas,

Petitioner,

24 vs.

The United States; and

T. M. Sinclair & Company, Limited,

Petitioner,

25 vs.

The United States.

Argument continued by Mr. Dean G. Acheson for the Petitioners and concluded by Mr. Warner W. Gardner for the Respondent.

Crane-Johnson Company,

Petitioner,

8 vs.

Commissioner of Internal Revenue.

Argued by Mr. John E. Hughes for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

121 vs.

Northwest Steel Rolling Mills, Inc.

Argued by Mr. Richard H. Demuth for the Petitioner and by Mr. Walser S. Greathouse for the Respondent.

West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Rafael Sancho Bonet, Treasurer of Puerto Rico.

Motion to substitute party respondent submitted by Mr. James R. Beverley for the Petitioner.

West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Rafael Sancho Bonet, Treasurer of Puerto Rico.

ON CONSIDERATION of the motion of counsel for the Petition to substitute Manuel V. Domenech, present Treasurer of Puerto Rico, as the party respondent in this case in the place and stead of Rafael Sancho Bonet, former Treasurer,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Manuel V. Domenech, Treasurer of Puerto Rico.

Argument commenced by Mr. James R. Beverley for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul M. Segal, It is ordered that Edward Miller, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey D. Jacob, It is ordered that John G. Eliot, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that C. J. Antonsanti, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Timothy J. Driscoll, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Schubert A. Stricklett, Esquire, of Greensburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Manuel V. Domenech, Treasurer of Puerto Rico.

Argument continued by Mr. James R. Beverley for the Petitioner; by Mr. William Cattron Rigby for the Respondent and concluded by Mr. James R. Beverley for the Petitioner.

International Association of Machinists, Tool and Die Makers Lodge No. 35, etc.,

Petitioner,

16 vs.

National Labor Relations Board.

Argued by Mr. Joseph A. Padway for the Petitioner and by Mr. Robert B. Watts for the Respondent.

The Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company,
Chrysler Corporation.

Suggestion of a diminution of the record and motion for a writ of certiorari in that relation submitted by Mr. John H. Sutherland for the Petitioners.

Argument commenced by Mr. John H. Sutherland for the Petitioners and continued by Mr. Arthur C. Denison for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 25, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Harry L. Deibel, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Michael Cook, It is ordered that Joseph F. Van Horn, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Erwin W. Roemer, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Perris McKay, It is ordered that Albert L. Orr, Esquire, of Medicine Lodge, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. H.

Donovan, It is ordered that Leo Rothstein Goldman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. McKenzie Shannon, It is ordered that Carl M. Johnson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Ferris McKay, It is ordered that O. B. Martin, Esquire, of Blackwell, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

Motion for leave to withdraw application submitted by Mr. John H. Sutherland for the Petitioners.

The Schriber-Schroth Company,

Petitioner,

vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

vs.

The Clevoland Trust Company, Chrysler Corporation.

ON CONSIDERATION of the motion for leave to withdraw the application for writ of certiorari to correct a diminution of the record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

Argument continued by Mr. Arthur C. Denison and by Mr. F. O. Richey for the Respondents and concluded by Mr. John H. Bruninga for the Petitioners.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

27 vs.

Paul R. G. Horst.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Selden Bacon for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

205 vs.

Gerald A. Eubank.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Harry J. Rudick for the Respondent.

Carl A. Hansberry, et al.,

Petitioners,

29 vs.

Anna M. Lee, et al.

Argued by Mr. Earl B. Dickerson for the Petitioners and by Mr. McKenzie Shannon for the Respondents.

J. E. Riley Investment Company,

Petitioner,

50 vs.

Commissioner of Internal Revenue.

Argued by Mr. Robert Ash for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

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Proclamation being made the Court is adjourned until Monday, October 28th, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that J. [illegible] Henry, Esquire, of Mission, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mary Agnes Brown, It is ordered that Myrtle Harriet Wood, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that James A. Pike, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Lucy Somerville Howorth, It is ordered that J. Frances Emans, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James B.

Flynn, It is ordered that Harry James Harth, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney McClellan, It is ordered that N. Edward Abram, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Lindley C. Binford, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Larson, It is ordered that Stephen N. Blewett, Esquire, of Stockton, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that H. Raymond Huffman, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk, and will not be announced orally."

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Hermann Max Schwinn,

Petitioner,

337 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hermann Max Schwinn,
Petitioner,
337 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed on the sole ground that the certificate of citizenship was illegally procured; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Chief Justice Hughes.

J. R. Keaton,
Appellant,
431 vs.
City of Oklahoma City and Davon Oil Company.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

J. R. Keaton,

Appellant,

vs.

City of Oklahoma City and Davon Oil Company.

Appeal from the Supreme Court of the State of Oklahoma.

431

Treating the appeal papers herein from the Supreme Court of the State of Oklahoma as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex parte Charles N. Williams,

Petitioner.

—

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte John D. Hardy,

Petitioner.

—, Original.

A rule is ordered to issue, returnable November 18, next, requiring the Respondent herein to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte ClaudeOffill,

Petitioner.

—, Original.

A rule is ordered to issue, returnable November 18, next, re-

quiring the Respondent herein to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte Kenneth Gerard,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Hughes.

Ex parte Robert Considine,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Street & Smith Publications, Inc.,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte National Labor Relations Board,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writs of mandamus and prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board, Petitioner, vs. Sterling Electric Motors, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

248

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,

Appellant,

vs.

The People of the State of California.

133

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,
Appellant,
vs.
The People of the State of California.

Appeal from the Supreme Court of the State of California.

133

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,
Appellant,
vs.
The People of the State of California.

Appeal from the Supreme Court of the State of California.

133

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,
Appellant,
vs.
The People of the State of California.

134

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba, Appellant, vs. The People of the State of California. — Appeal from the Supreme Court of the State of California.

134

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba, Appellant, vs. The People of the State of California. — Appeal from the Supreme Court of the State of California.

134

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Virginia Vandenbark, Petitioner, vs. The Owens-Illinois Glass Company.

141

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Virginia Vandenbark,

Petitioner,

141 vs.

The Owens-Illinois Glass Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Jack Walker,

Petitioner,

173 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Jack Walker,

Petitioner,

173 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Everett Ault Evans, Alias Everett
A. Troglin, etc.,

Petitioner,

315 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Everett Ault Evans, Alias Everett
A. Troglin, Alias Dutch Evans,

Petitioner,

Order allowing certiorari.

315 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles Sherwin,

Petitioner,

319 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles Sherwin,

Petitioner,

319 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 369.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,

Petitioner,

320 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,

Petitioner,

320 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 319.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William Clark,

Petitioner,

345 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Clark,

Petitioner,

345 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania ex rel. Lee Montgomery,

Petitioner,

392 vs.

Stanley P. Ashe, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania ex rel. Lee Montgomery,

Petitioner,

392 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pa.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania, Pittsburgh District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, Pittsburgh District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

Paul Tross,

Petitioner,

488 vs.

State of West Virginia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul Tross,

Petitioner,

488 vs.

State of West Virginia.

On petition for writ of certiorari to the Circuit Court of Mineral County, State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Mineral County, State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert Smith,

Petitioner,

364 vs.

Joseph O'Grady, Warden, etc.

IT IS ORDERED that William L. Marbury, Jr., Esq., of Baltimore, Md., a member of the bar of this Court, be, and he is hereby, appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Hughes.

Consolidated Rock Products Co., et al., Composing the Preferred Stockholders Committee of Consolidated Rock Products Co.,

Petitioners,

Order allowing certiorari.

400 vs.

E. Blois du Bois.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

F. D. Badgley, et al., Composing the Union Rock Company Bondholders Protective Committee, et al.,

Petitioners,

Order allowing certiorari.

411 vs.

E. Blois du Bois.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City of Indianapolis, et al.,

Petitioners,

421 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City of Indianapolis, et al.,

Petitioners,

422 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

423 vs.

Citizens Gas Company of Indianapolis, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

vs.

The Indianapolis Gas Company, et al.

Order allowing certiorari.

424

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Metropolitan Casualty Insurance Company of New York,

Petitioner,

vs.

Frank Stevens.

Order allowing certiorari.

425

The petition herein for a writ of certiorari to the Supreme Court of the State of Michigan is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

Pan-American Life Insurance Company.

Order allowing certiorari.

264

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

ON CONSIDERATION of the motion to advance this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the case is assigned for argument immediately following No. 2.

Per Mr. Chief Justice Hughes.

Continental Oil Company,

Petitioner,

Order allowing certiorari.

413 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, limited to the first and second questions presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

419 vs.

Mary M. Hutchings.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for hearing immediately following No. 393.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Sidney J. Dillon,

Petitioner,

410 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Lewis E. Crowley,

Petitioner,

411 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

State National Bank of Maysville, Kentucky,

Petitioner,

416 vs.

The Chesapeake and Ohio Railway Company.

On petition for writ of certiorari to the Court of Appeals of the State of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Kentucky, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

James M. Madden, et al.,

Petitioners,

244 vs.

Lykes Bros.-Ripley Steamship Company, Inc., et al.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

James M. Madden, et al.,

Petitioners,

244 vs.

Lykes Bros.-Ripley Steamship Company, Inc. and Steamship "Youngstown".

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. W. G. (Mary) Noll,

Petitioner,

405 vs.

Mrs. Bessie Mifflin Hunt, Administratrix of the Estate of Robert Morris Mifflin, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Yokohama Specie Bank, Ltd.,
Petitioner,
406 vs.
Dr. Hu Shih, The Ambassador of the Republic of China to the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Montgomery Ward & Co., Incorporated,
Petitioner,
407 vs.
Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The First National Bank of Chicago, Edgar Stanton and Joseph C. Belden, Trustees for the Rew Trust, Transferees,
Petitioners,
412 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Booth Fisheries Corporation,

Petitioner,

414 vs.

Conway P. Coe, Commissioner of patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dorothy E. Roetter,

Petitioner,

415 vs.

Frank M. McKey, Trustee for the Estate of Burt Leopold Roetter, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fuel Credit Corporation, Formerly Dobbins Trinity Coal Company, Inc.,

Petitioner,

417 vs.

Thomas J. Howard, Owner of the Barge "E. T. Halloran," et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raymond R. Smith, as Receiver of Northern Indiana Railway, Inc., et al.,

Petitioners,

418 vs.

Abbott Lawrence Mills.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ben Adler Signs, Incorporated and Adler Sign Letter Company, Incorporated,

Petitioners,

420 vs.

Wagner Sign Service, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Strobl,

Petitioner,

426 vs.

John Zidek, Jr.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Huron,

Petitioner,

427 vs.

T. G. Evenson, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold H. Moore, Bankrupt,

Petitioner,

428 vs.

Leonard Horton, Trustee in Bankruptcy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

School Board of the City of Norfolk and C. W. Mason, Superintendent of Schools of Norfolk,

Petitioners,

429 vs.

Melvin O. Alston and the Norfolk Teachers Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stanolind Pipe Line Company,

Petitioner,

430 vs.

Oklahoma Tax Commission, Composed of J. D. Carmichael, Hubert L. Bolen and J. D. Dunn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elnson-Freeman Co., Inc.,

Petitioner,

432 vs.

Walter E. Corwin, Individually and as Former Collector of Internal Revenue, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Canadian River Gas Company and Colorado Interstate Gas Company,

Petitioners,

433 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James H. Johnson,

Petitioner,

—— vs.

Metropolitan Casualty Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles A. McCulloch,

Petitioner,

452 vs.

Wilbur L. Loftus.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Floyd, et al.,

Petitioners,

112 vs.

J. T. Eggleston, et al.

Reported for failure to comply with the Rules.

Milford B. Martin,

Appellant,

2146 vs.

The People of the State of California.

Reported for failure to comply with the Rules.

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Proclamation being made the Court is adjourned until Tuesday, November 12, at 10 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Stuart S. Ball, It is ordered that

Laurence E. Oliphant, Jr., Esquire, of Chicago, State of Illinois;

Ralph G. Crandall, Esquire, of Chicago, State of Illinois; and

John A. Barr, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

Sam W. Davis, Esquire, of Houston, State of Texas; and

William E. Kemp, Esquire, of Kansas City, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lowell E. Gay, It is ordered that Russell Conwell Gay, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. H. Sawyers, It is ordered that Ashton File, Esquire, of Beckley, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Malcott, It is ordered that Aloysius B. Cawley, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that William B. Dickenson, Jr., Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Coulter, It is ordered that Paul E. Talley, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore P. Wittschen, It is ordered that Archibald B. Tinning, Esquire, of Martinez, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry N. Ess, It is ordered that

Ruby D. Garrett, Esquire, of Kansas City,
State of Missouri; and

Thomas W. Bockes, Esquire, of Omaha,
State of Nebraska;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert I. Dennison, It is ordered that Ethel Irwin Lineweaver, of Harrisonburg, State of

Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Francis F. Welsh, It is ordered that

Elmer O. Goodwin, Esquire, of Newark,
State of New Jersey; and

Charles Danzig, Esquire, of Newark,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that

Walter Hobart Compton, Esquire, of Harrisburg,
State of Pennsylvania; and

George Kunkel, Esquire, of Harrisburg,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M. Segal, It is ordered that Graham Susman, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Townsend, It is ordered that Thomas B. Mayor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hammond E. Chaffetz, It is ordered that Donald Marks, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harry H. Neuberger, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

5

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Douglas.

J. E. Riley Investment Company, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

50

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

The United States of America, Petitioner, vs. Ashby Oliver Stewart. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

13

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts.

Stern Brothers & Co., Petitioner,

37 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation in the above entitled cause providing that the decision of this Court in case No. 13, The United States of America v. Stewart, shall control the decision in this case; and this Court having reversed the judgment of the Circuit Court of Appeals in No. 13 on November 12, 1940;

IT IS, pursuant to said stipulation, ORDERED and ADJUDGED by this Court that the judgment of the United States Circuit Court of Appeals for the Eighth Circuit, in this cause, be, and the same is hereby, affirmed; and that this cause, be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

International Association of Machinists, Tool and Die Makers Lodge No. 35, etc.,

Petitioners,

16 vs.

National Labor Relations Board.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

121 vs.

Northwest Steel Rolling Mills, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to affirm the judgment of the Board of Tax Appeals.

Per Mr. Justice Black.

Crane-Johnson Company, A Corporation of North Dakota,

Petitioner,

8 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Manuel V. Domenech, Treasurer of Puerto Rico.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts joins.

Carl A. Hansberry, Nannie L. Hansberry, et al.,

Petitioners,

29 vs.

Anna M. Lee, Edward L. Govanus, Esther Govanus, et al.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not incon-

sistent with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds, Mr. Justice Roberts, and Mr. Justice Reed concur in the result.

Republic Steel Corporation,
Petitioner,
vs.
National Labor Relations Board and Steel Workers Organizing Committee.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

14

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enter a decree enforcing the order of the National Labor Relations Board with the provision relative to the payments to governmental agencies eliminated.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Fleisher Engineering & Construction Co., and Joseph A. Bass, Doing Business as Joseph A. Bass Co., et al.,
Petitioners,
vs.
The United States of America, for the Use and Benefit of George S. Hallenbeck, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

15

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in

this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Gottfried Schmidt,

Appellant,

446 vs.

Minnesota State Board of Medical Examiners.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Gottfried Schmidt,

Appellant,

446 vs.

Minnesota State Board of Medical Examiners.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Gottfried Schmidt,
Appellant,
vs.
Minnesota State Board of Medical Examiners.

Appeal from the Supreme Court of the State of Minnesota.

146

TREATING the appeal papers herein from the Supreme Court of the State of Minnesota as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milford B. Martin,
Appellant,
vs.
The People of the State of California.

Appeal from the Supreme Court of the State of California.

246

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Milford B. Martin,
Appellant,
vs.
The People of the State of California.

Appeal from the Supreme Court of the State of California.

246

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Fred J. Becker,

Petitioner.

—, Original.

A rule is ordered to issue, returnable December 9, next, requiring the Respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte Louis Burall,

Petitioner.

—, Original.

A rule is ordered to issue, returnable December 9, next, requiring the Respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Hughes.

Jack Walker,

Petitioner,

173 vs.

James A. Johnston, Warden, etc.

IT IS ORDERED that Charles E. Wyzanski, Jr., Esq., of Boston, Massachusetts, a member of the bar of this Court, be appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

393 vs.

Arthur Pelzer.

This case is assigned for argument immediately following Nos. 494 and 495.

Per Mr. Chief Justice Hughes.

Henry A. Scandrett, et al., Trustees, etc., et al.,

Appellants,

448 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Willis Cox, Walter Chaplinsky, et al.,

Appellants,

502 vs.

State of New Hampshire.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Melville Adams,

Petitioner,

457 vs.

Dr. William A. Boyce, Dr. John Brady Rogers, Dr. A. Ray Irvine, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Melville Adams,

Petitioner,

457 vs.

Dr. William A. Boyce, Dr. John Brady Rogers, Dr. A. Ray Irvine, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Jacobs,

Petitioner,

397 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Jacobs,

Petitioner,

397 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. E. Waggoner,

Petitioner,

477 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. E. Waggoner,

Petitioner,

477 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

436 vs.

Estate of John M. Enright, Deceased, James G. Enright, et al., Executors.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois,

Petitioner,

437 vs.

Sarah H. Schaffner.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

442 vs.

Express Publishing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

472 vs.

Richard Van Nest Gambrill.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

473 vs.

Marjorie K. Campbell.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

474 vs.

Seymour H. Knox.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

475 vs.

Dorothy K. G. Rogers.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

484 vs.

The Cooper Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Westinghouse Electric & Manufacturing Company,

Petitioner,

447 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Norman J. Pfaff, and Frank B. Wallace, Executors of the Estate of William L. Wallace, Deceased,

Petitioners,

479 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 436.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Madeleine D. Powers,

Petitioner,

486 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 92.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

494 vs.

Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors of the Estate of Mary M. Ryerson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 486.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors of the Estate of Mary M. Ryerson,

Petitioners,

495 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 494.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

564 vs.

Oregon Mutual Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 264.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Henry J. Ripperger, as Receiver of United States Electric Power Corporation,

Petitioner,

455 vs.

A. C. Allyn & Co., Inc., First Boston Corporation and Schroder-Rockefeller Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Bryant McQuillen and Samuel Gottlieb,

Petitioners,

476 vs.

The National Cash Register Company, et al.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this motion.

Bryant McQuillen and Samuel Gottlieb,
Petitioners,
476 vs.
The National Cash Register Company, Dillon, Read Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

I. B. Melville, A. C. Monson, et al.,
Petitioners,
480 vs.
Arthur Weybrew, et al.

ON CONSIDERATION of the motion to supplement the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

I. B. Melville, A. C. Monson, H. G. Day, et al.,

Petitioners,

480 vs.

Arthur Weybrew, Elmer L. Ouderkirk, Ella Bostwick, et al.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Missouri Pacific Transportation Company, Charles D. Johnson, Commercial Casualty Insurance Company, et al.,

Petitioners,

434 vs.

Eugene A. Parker, Administrator, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Continental Casualty Company,

Petitioner,

435 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Van Riper,

Petitioner,

439 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Estate of Karoline E. Gund, Deceased, W. R. Springate, Executor of Irene Dorner, Executrix,

Petitioners,

440 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clara E. Hare, et al.,

Petitioners,

443 vs.

Allen W. Henderson, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna Schommer, John J. Horowitz and Milton M. Adelman, etc.,

Petitioners,

450 vs.

James H. Wilkerson, Judge of the District Court of the United States for the Northern District of Illinois, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lucile Harvey,

Petitioner,

451 vs.

City of St. Petersburg, etc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jonas Weill,

Petitioner,

453 vs.

Compagnie Generale Transatlantique.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America for the Use and Benefit of Luigi Luchini, et al.,

Petitioners,

454 vs.

The Ferro Concrete Construction Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Claude C. Long,

Petitioner,

456 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emanuel E. Larson,

Petitioner,

458 vs.

Pacific Mutual Life Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. N. Dunn,

Petitioner,

459 vs.

Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had;

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Spencer, Trustee in Bankruptcy of Van Arman Cereal Company, Bankrupt,

Petitioner,

460 vs.

Hiram Walker & Sons Grain Corporation, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catahoula Bank,

Petitioner,

461 vs.

Leon Kirby, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mae B. Burgess, Co-Administratrix, Fred Fancher and Adrian J. Gum, Co-Administrators of the Estate of T. A. Burgess, Deceased,

Petitioners,

462 vs.

Reliance Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tsune-Chi Yu,

Petitioner,

464 vs.

Carl Byoir and Associates, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Gas and Electric Company,

Petitioner,

465 vs.

John M. Taylor, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George S. Houston and Hargis Langdon, Trustees, Morris Wholesale Liquor Distributing Company, Inc., et al.,

Petitioners,

331 vs.

The Honorable Mac Swinford, Judge of the United States District Court for the Eastern District of Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. W. Kohn, M. S. Kohn and J. W. Kohn, etc., et al.,

Petitioners,

332 vs.

Circuit Court of Appeals for the Sixth Circuit, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. W. Kohn, M. S. Kohn and J. W. Kohn, Administrator of the Estate of Carrie Kohn,

Petitioners,

333 vs.

The Honorable Mac Swinford, Judge of the United States District Court for the Eastern District of Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles J. Wolfe,
Petitioner,
463 vs.
C. F. Murphy, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Donald M. Gilbert, Harold C. Yeager and George A. Carey, etc.,
Petitioners,
466 vs.
The Peoria and Eastern Railway Company and William Carnegie Ewen, et al.

On petition for writ of certiorari to the District Court of the United States for the Southern District of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Southern District of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wm. Carnegie Ewen, Lewis L. Clarke, M. D. Adams and George E. Wile, etc.,
Petitioners,
467 vs.
The Peoria and Eastern Railway Company and Donald M. Gilbert, et al.

On petition for writ of certiorari to the District Court of the United States for the Southern District of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Southern District of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Manuel Pelelas, Petitioner, vs. Caterpillar Tractor Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

469

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. P. Farnsworth & Company, Inc., Petitioner, vs. Electrical Supply Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

470

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rupert N. Dunn, Petitioner, vs. The People of the State of California. — On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

471

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Metropolitan Building and Loan Association, et al.,
Petitioners,
478 vs.
Texas Unemployment Compensation Commission, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Cross,
Petitioner,
481 vs.
Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,
Petitioner,
482 vs.
Beulah C. Calhoun.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Acme Freight Lines, Inc.,
Petitioner,
487 vs.
J. M. Lee, as State Comptroller of the State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dallas Machine & Locomotive Works, Inc.,
Petitioner,
489 vs.
Willamette-Hyster Company and Clark & Wilson Lumber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Company of St. Louis,
Petitioner,
490 vs.
E. R. Sloan, Receiver of the Federal Reserve Life Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bastian Bros. Co., Petitioner,
491 vs.
George T. McGowan, Collector of Internal Revenue for the 28th Collection District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. J. Matthews, as Trustee, Petitioner,
497 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cap Andrew Tilles, Petitioner,
501 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Johannes B. Kessel and Louis Hoffberg,

Petitioners,

505 vs.

Vidrio Products Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Monte E. Hart, J. Emory Adams, et al.,

Petitioners,

322 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

Elmer W. Kelley, et al.,

Petitioners,

94 vs.

The City of Syracuse, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harriet K. Moon,

Petitioner,

123 vs.

The Home Life Insurance Company of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harriet K. Moon,

Petitioner,

124 vs.

Mutual Benefit Health & Accident Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Holmes, as State Auditor, etc.,

Appellant,

156 vs.

Springfield Fire & Marine Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

I. H. Nakdimen, H. S. Nakdimen, et al.,

Petitioners,

172 vs.

Lazare Baker.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herbert Fleishhacker,

Petitioner,

181 vs.

Lucien Blum, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. J. Kirkpatrick,

Appellant,

222 vs.

J. Alice Stelling.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Doster Noland,

Petitioner,

226 vs.

Vyola Bubb Noland, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cecelia Vacanti Cole,

Petitioner,

234 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company,

Appellant,

299 vs.

Carrie C. Lee.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company,

Appellant,

300 vs.

S. B. Hanna.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank A. Dougherty,

Petitioner,

313 vs.

State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American National Bank of Nashville, Tennessee,

Petitioner,

323 vs.

City of Sanford, Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John F. Corcoran,

Appellant,

326 vs.

City of Chicago.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ray Ritter, et al.,

Petitioners,

354 vs.

Milk and Ice Cream Driver and Dairy Employees Union Local No. 336, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. E. Butt Grocery Company, et al.,

Appellants,

441 vs.

George H. Sheppard, Comptroller, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

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Montgomery Ward and Company,

Petitioner,

30 vs.

Luther M. Duncan.

Argued by Mr. John A. Barr for the Petitioner and by Mr. Edward H. Coulter for the Respondent.

American United Mutual Life Insurance Company,

Petitioner,

31 vs.

City of Avon Park, Florida.

Argued by Mr. Giles J. Patterson for the Petitioner and by Mr.

Robert J. Pleus for the Respondent.

Fidelity Union Trust Company
and Minton H. Twinch, as Executors, etc.,

Petitioners,

32 vs.

Ethel Adelaide Field.

Argument commenced by Mr. Charles Danzig for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward H. Coulter, It is ordered that Marvin P. Morton, Jr., Esquire, of Texarkana, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Sullivan, It is ordered that Clayton D. Hollinger, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seiforde M. Stellwagen, It is ordered that Frank Bartow McDonald, Jr., Esquire, of Waycross, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Walter L. Newsom, Jr., Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fidelity Union Trust Company and
Minton H. Twinch, as Executors,
etc.,

Petitioners,

32 vs.

Ethel Adelaide Field.

Argument continued by Mr. Charles Danzig for the Petitioners; by Mr. Russell C. MacFall for the Respondent; and concluded by Mr. Charles Danzig for the Petitioners.

Charles Peyton West and Maurice
John West,

Petitioners,

44 vs.

American Telephone and Telegraph
Company; and

Charles Peyton West and Maurice
John West,

Petitioners,

45 vs.

American Telephone and Telegraph
Company.

Argued by Mr. Harry L. Deibel for the Petitioners and by Mr. William B. Cockley for the Respondent.

Lewis K. Stoner,

Petitioner,

74 vs.

New York Life Insurance Company.

Argued by Mr. William H. Becker for the Respondent, and case submitted by Mr. Kendall B. Randolph for the Petitioner.

Six Companies of California, et al.,

Petitioners,

267 vs.

Joint Highway District No. 13 of the State of California.

Argument commenced by Mr. Paul S. Marrin for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that W. Dewey Lawrence, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Hill, Jr., It is ordered that Adam Pascal George Steffes, Esquire, of Las Vegas, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Ford, It is ordered that Chester Leslie Davis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Wilson, It is ordered that Loyd E. Roberts, Esquire, of Joplin, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. U. Bon

Geaslin, It is ordered that Oliver T. Remmers, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Ira C. Haycock, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that Joseph Sheban, Esquire, of Youngstown, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cornelius H. Doherty, It is ordered that Lee F. Dante, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Hamilton Moses, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Herbert S. Anderson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Six Companies of California, Hartford Accident and Indemnity Company, et al.,

Petitioners,

267 vs.

Joint Highway District No. 13 of the State of California.

Argument continued by Mr. Paul S. Marrin for the Petitioners; by Mr. Archibald B. Tinning and Mr. Theodore P. Wittschen for the Respondent; and concluded by Mr. Paul S. Marrin for the Petitioners.

Edgar Smith,

Petitioner,

33 vs.

The State of Texas.

Argued by Mr. Sam W. Davis for the Petitioner and by Mr. George W. Barcus for the Respondent.

L. Singer & Sons, et al.,

Petitioners,

34 vs.

Union Pacific Railroad Company; and

Kansas City, Missouri,

Petitioner,

35 vs.

L. Singer & Sons, et al.

Argument commenced by Mr. Ruby D. Garrett for the Petitioners in No. 34 and continued by Mr. William E. Kemp for the Petitioner in No. 35.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John A. McIntire, It is ordered that Katherine A. Markwell, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that Frederick Baum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Arthur Hartman Ford, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Horning, Jr., It is ordered that William Harold Hutchinson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

ON motion first made to the Court in this behalf by Mr. Telford

Taylor, It is ordered that Joseph L. Rauh, Jr., Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert B. Cohn, It is ordered that Richard H. Wels, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph K. Chase, It is ordered that William A. Bassett, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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L. Singer & Sons, et al.,

Petitioners,

34 vs.

Union Pacific Railroad Company; and

Kansas City, Missouri,

Petitioner,

35 vs.

L. Singer & Sons, et al.

Argument continued by Mr. William E. Kemp for the Petitioner in No. 35; by Mr. Henry N. Ess for the Respondent in No. 34; and concluded by Mr. Thomas W. Bockes for the Respondents in No. 35.

Howard S. Palmer, et al., Trustees, etc.,

Petitioners,

38 vs.

Connecticut Railway & Lighting Company.

Argued by Mr. James Garfield for the Petitioners and by Mr. George W. Martin for the Respondent.

Federal Communications Commission,

Petitioner,

39 vs.

Columbia Broadcasting System of California; and

Federal Communications Commission,

Petitioner,

40 vs.

The Associated Broadcasters.

Argued by Mr. Telford Taylor for the Petitioner and by Mr. Duke M. Patrick for the Respondent in No. 39. No appearance for the Respondent in No. 40.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, NOVEMBER 18, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. John Rogge, It is ordered that

David D. Joselit, Esquire, of Syracuse, State of New York; and

Irwin L. Langbein, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony S. Falcone, It is ordered that

Roger O. Baldwin, Esquire, of Syracuse, State of New York; and

Daniel H. Prior, Esquire, of Albany, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Bilbrey, It is ordered that Henry W. Nichols, 3rd., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Stanley Payne, It is ordered that Paul E. Blanchard, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daryal A. Myse, It is ordered that Glen H. Bell, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Grover Cleveland Young, It is ordered that Evelyn Hampel Young, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

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Wilson and Co., Inc.,
Petitioner,
23 vs.
The United States;

On writs of certiorari to the Court of Claims.

Wilson & Co., Inc., of Kansas,
Petitioner,
24 vs.
The United States;

and

T. M. Sinclair & Company, Limited,
Petitioner,
25 vs.
The United States.

THESE CAUSES came on to be heard on the transcript of the record from the Court of Claims and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims, in these causes, be, and the same is hereby, affirmed.

Per Mr. Justice Murphy.

Milk Wagon Drivers Union, Local 753, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.,

Petitioners,

20 vs.

Lake Valley Farm Products, Inc., Amalgamated Dairy Workers, Local Industrial Union No. 819, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the decree of the District Court dismissing the bill for injunction be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

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T. E. Baker, Mrs. T. E. (Minnie) Baker, et al.,

Appellants,

356 vs.

N. A. Grossjean, E. J. Frost, et al.

ON CONSIDERATION of the motion for leave to file supplemental statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

T. E. Baker, Mrs. T. E. (Minnie) Baker, Miss Grace Reynolds, et al.,

Appellants,

356 vs.

N. A. Grossjean, E. J. Frost, Elmer C. Smith, et al.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

James E. Blaydes, William E. Murphy, et al.,

Appellants,

399 vs.

C. H. Little & Company, et al.

ON CONSIDERATION of the motion for leave to file supplemental statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

James E. Blaydes, William E. Murphy, et al.,

Appellants,

399 vs.

C. H. Little & Company, et al.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Emil Mosbacher,

Petitioner,

128 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Emil Mosbacher,

Petitioner,

128 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Albert Leighton,

Petitioner.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Henry Earl Dunlap,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for a writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Alfred Bauer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for a writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Homer C. Price,

Petitioner,

492 vs.

Edward J. Moinet, Judge, United States District Court, Eastern District of Michigan.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that the application for a writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

Homer C. Price,

Petitioner,

492 vs.

Edward J. Moinet, Judge, United States District Court, Eastern District of Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Helen Douglas Campbell,

Petitioner.

546

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Helen Douglas Campbell,

Petitioner.

546

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

500 vs.

Jacob L. Sherwood.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor of the Last Will and Testament of Cordelia Y. Abendroth, Deceased,

Petitioner,

510 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 274.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor of the Last Will and Testament of Kate Read Blacque, Deceased,

Petitioner,

511 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following Nos. 274 and 510.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

516 vs.

O. G. Richter.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. B. & M. Liquidation Corporation,

Petitioner,

506 vs.

Pelham Hall Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

231 vs.

Zelda Baker Jennings, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. S. Gray, et al.,
Petitioners,
485 vs.
Myrta Blight, Administratrix of the Estate of H. E. Blight, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Handkerchief Manufacturing Company,
Petitioner,
493 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elkland Leather Company, Inc.,
Petitioner,
496 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Tennyson Neely, Petitioner,
vs.
Merchants Trust Company of Red Bank, New Jersey, as Administrator of the Estate of Eliza A. S. Calef, et al.

499 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atanasio Sitchon, Petitioner,
vs.
American Export Lines, Inc.

507 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Richman,

Petitioner,

530 vs.

Anne Nielsen, as Administratrix of the Estate of Pearl G. Nielsen, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Railroad Commission of Texas,

Petitioner,

681 O. T. 1939 vs.

Rowan & Nichols Oil Company.

A petition for rehearing having been filed in this case following order of October 21, 1940, amending original opinion,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. M. Gilstrap, Cora D. Gilstrap, etc.,

Petitioners,

150 vs.

Standard Oil Company, et al.; and

A. M. Gilstrap,

Petitioner,

151 vs.

Standard Oil Company.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, etc., et al.,

Petitioners,

176 vs.

R. W. Fontenot, Collector for the District of Louisiana, et al.;

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

177 vs.

United States of America, et al.; and

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

178 vs.

United States Department of Agriculture, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Trust Company,

Petitioner,

290 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy A. Thompson, Trustee, etc.,

Petitioner,

403 vs.

Neal Wiley.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Minerals Corporation,

Petitioner,

404 vs.

Jay Simmons, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, November 25, until Monday, December 9, next.

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Ex parte John D. Hardy,

Petitioner.

—, Original.

Return to rule to show cause presented.

The United States of America,

Complainant,

—, Original. vs.

The State of Alabama.

Motion for leave to file bill of complaint presented.

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Frank L. Kloeb, Judge of the District Court of the United States for the Northern District of Ohio, Western Division,

Petitioner,

65 vs.

Armour & Company.

Submitted by Mr. Percy R. Taylor and Mr. Nolan Boggs for the Petitioner and by Mr. Edward W. Kelsey, Jr., Mr. Fred A. Smith and Mr. Charles J. Faulkner, Jr., for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

36 vs.

Walter C. Janney, et al.

Argued by Mr. Thomas E. Harris for the Petitioner and by Mr. Bernard Knollenberg for the Respondents.

Chester Gaines and Theresa Gaines, husband and wife,

Petitioners,

113 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Frederick Baum for the Petitioners and by Mr. Thomas E. Harris for the Respondent.

Henry W. Taft and Julia W. S. Taft,

Petitioners,

183 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Clarence Castimore for the Petitioners and by Mr. Thomas E. Harris for the Respondent.

The United States of America,

Petitioner,

42 vs.

Salvatore Falcone, Joseph Falcone, et al.

Argued by Mr. Assistant Attorney General Rogge for the Petitioner; by Mr. Daniel H. Prior for the Respondents, Salvatore Falcone and Joseph Falcone; and by Mr. Roger O. Baldwin for the Respondent, Henry Alberico.

New World Life Insurance Company,

Petitioner,

2 vs.

The United States.

Argument commenced by Mr. William Marshall Bullitt for the Petitioner.

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Procla tion being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 19, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wilbur Daigh Mills, It is ordered that Lester M. Ponder, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. O'Connell, It is ordered that Robert L. Irwin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Vance, It is ordered that Thomas Andrew Pace, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Dannat Pell, It is ordered that Roswell D. Pine, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie C.

Garnett, It is ordered that E. Riggs McConnell, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold H. Persons, It is ordered that James Ward Rector, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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New World Life Insurance Company,

Petitioner,

2 vs.

The United States.

Argument continued by Mr. Arnold Raum for the Respondent and concluded by Mr. Walter E. Barton for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

564 vs.

Oregon Mutual Life Insurance Company; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

Argued by Mr. Arnold Raum for the Petitioner; by Mr. Eugene J. McGivney for the Respondent in No. 264; and by Mr. William Marshall Bullitt for the Respondent in No. 564.

C. E. Stevens Company, et al.,

Petitioners,

41 vs.

Foster & Kleiser Co., et al.

Argument commenced by Mr. H. B. Jones for the Petitioners and continued by Mr. Herbert W. Clark for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Filo M. Sedillo, Esquire, of Santa Fe, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilber Stammler, It is ordered that Roscoe T. Steffen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Challen B. Ellis, It is ordered that James Neil Senecal, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. Lingamfelter, It is ordered that Maurice Behr Olenick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lorenz Reich, Jr., It is ordered that M. James Spitzer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. McIntire, It is ordered that

Charles Sylvanus Rhyne, Esquire, of Washington, District of Columbia; and

Fred W. Albertson, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Lamont William Bowman,

Petitioner,

59 vs.

Martin Lopereno, et al.

Submitted by Mr. Llewellyn A. Luce for the Petitioner. No appearance for the Respondents.

C. E. Stevens Company, et al.,

41 vs.

Foster & Kleiser Co., et al.

Argument continued by Mr. Herbert W. Clark for the Respondents and concluded by Mr. H. B. Jones for the Petitioners.

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

46 vs.

J. C. Penney Company;

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

47 vs.

F. W. Woolworth Company; and

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

48 vs.

Minnesota Mining and Manufacturing Company.

Three hours allowed for oral argument.

Argument commenced by Mr. Harold H. Persons for the Petitioners; continued by Mr. James Ward Rector for the Petitioners; by Mr. W. H. Dannet Pell for the Respondent in No. 46; by Mr. Martin A. Schenck for the Respondent in No. 47; by Mr. John L. Connolly for the Respondent in No. 46; and concluded by Mr. James Ward Rector for the Petitioners.

James M. Wright,

Petitioner,

51 vs.

The Union Central Life Insurance Company, et al.

Argument commenced by Mr. Samuel E. Cook for the Petitioner.

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Proclamation being made the Court is adjourned until Friday, next, at 12 o'-clock.

FRIDAY, NOVEMBER 22, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Fred Raymond Erisman, Jr., Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isaac Mayo Bailey, It is ordered that

Wm. C. Lassiter, Esquire, of Raleigh, State of North Carolina; and

T. W. Bruton, Esquire, of Raleigh, State of North Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Louis Robertson, It is ordered that Arthur H. Schroeder, Esquire, of Seward, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that Leonard G. Bisco, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Rogers, It is ordered that Jesse H. Knight, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sebastian Ugarte, It is ordered that Dominador M. Tan, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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James M. Wright,

Petitioner,

51 vs.

The Union Central Life Insurance Company, et al.

Argument continued by Mr. Samuel E. Cook for the Petitioner; by Mr. Arthur S. Lytton for the Respondents; and concluded by Mr. Samuel E. Cook for the Petitioner.

The United States of America,

Appellant,

52 vs.

May Harris, alias Kitty Harris; and

The United States of America,

Appellant,

53 vs.

Marie Kenny, alias Marie Rickett, alias Mae Kelly.

Argued by Mr. Gordon B. Tweedy for the Appellant. No appearance for the Appellees.

Best & Company, Inc.,

Appellant,

61 vs.

A. J. Maxwell, Commissioner of Revenue of the State of North Carolina.

Argued by Mr. Lorenz Reich, Jr., for the Appellant and by Mr. I. M. Bailey for the Appellee.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr F. Eberhart Haynes, It is ordered that

William D. H. Stanley, Esquire, of New York, State of New York; and

Frank A. Zunino, Jr., Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther Bohanon, It is ordered that William Howard O'Bryan, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel T. Ansell, It is ordered that Russel Johnston, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Elmer Burkett Hodges, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur W. Scharfeld, It is ordered that G. Raymond Dougherty, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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American United Mutual Life Insurance Company,

Petitioner,

vs.

City of Avon Park, Florida.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

31

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Federal Communications Commission,

Petitioner,

vs.

Columbia Broadcasting System of California, Inc.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

39

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decision of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Federal Communications Commission,
Petitioner,
40 vs.
The Associated Broadcasters, Inc.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decision of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Edgar Smith,
Petitioner,
33 vs.
The State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
27 vs.
Paul R. G. Horst.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice McReynolds in which the Chief Justice and Mr. Justice Roberts concur.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

Gerald A. Eubank.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

205

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice McReynolds in which the Chief Justice and Mr. Justice Roberts concur.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte David H. Johnson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for

writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte David L. Simon,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Complainant,

—, Original. vs.

The State of Alabama.

A rule is ordered to issue, returnable January 6th next, requiring the Defendant to show cause why leave to file the bill of complaint should not be granted.

Per Mr. Chief Justice Hughes.

SUPREME COURT OF THE UNITED STATES.

Nos. 2, 3 and 4, Original.—October Term, 1940.

States of Wisconsin, Minnesota, Ohio and Pennsylvania, Complainants,
vs.
State of Illinois and the Sanitary District of Chicago, Defendants. } No. 2, Original.

State of Michigan, Complainant,
vs.
State of Illinois and the Sanitary District of Chicago, et al., Defendants. } No. 3, Original.

State of New York, Complainant,
vs.
State of Illinois and the Sanitary District of Chicago, et al., Defendants. } No. 4, Original.

[November 25, 1940.]

ORDER.

Upon consideration of the motion of the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan, New York, and Illinois, and in accordance with the following stipulation:

"Whereas, the State of Illinois contends that also during the period intervening between the effective date of the decree and since then substantial amounts of flocculent active sludge and sewage sludge have accumulated in the Brandon Road Pool and that the existence of such accumulation also adds to the menace of the health of the persons living adjacent thereto (which contention is denied by the resopndent Great Lakes States) and,

Whereas, The Special Master in the above captioned causes, the Honorable Monte M. Lemann, before the close of the hearings, suggested that the Attorney General of the State of Illinois and the Attorneys General of the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York (hereinafter referred to as the opposing Great Lakes States) consider the making of an agreement to permit a temporary increase in diversion from 1500 cubic second feet plus domestic pumpage now authorized by the decree of the United States Supreme Court of April 21, 1930, to 10,000 cubic second feet plus domestic pumpage of water from Lake Michigan through the Chicago

Walter M. Hort,

Petitioner,

517 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fashion Originators' Guild of America, Inc., et al.,

Petitioners,

537 vs.

Federal Trade Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 251.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Everett Ware Cady, et al.,

Petitioners,

526 vs.

Clifford J. Murphy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Sanitary Canal for one continuous period of ten days so as to scour out the Brandon Road Pool at Joliet, Illinois, and attempt to remove whatever flocculent active sludge and sewage sludge may have accumulated in said pool, and

Whereas, the Special Master suggested that any such agreement between the State of Illinois and the opposing Great Lakes States would be without prejudice to any of the parties to the above captioned causes, and would be solely for the purpose of trying by this means to remove whatever flocculent active sludge deposits and sewage sludge may have accumulated in the Brandon Road Pool by reason of the introduction of untreated sewage and sludge from treated sewage. Nothing in this stipulation shall be construed as an admission by the opposing Great Lakes States as in any manner or form whatsoever waiving, abandoning or prejudicing any of the positions of the opposing Great Lakes States hereinbefore stated or at any time taken in these causes or in the course of the present hearings; and said opposing Great Lakes States hereby affirm and again advance each and every contention and allegation set forth in the return of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York as respondents to rule to show cause issued on application of the State of Illinois, as Petitioner, for a temporary modification of Paragraph 3 of the Decree of April 21, 1930, filed in this court on February 26, 1940; and said opposing Great Lakes States again deny each and every allegation contained in the Petition of the State of Illinois herein, filed in this court on January 15, 1940, and deny the positions taken during the course of the present hearings by Illinois, and,

Whereas, it is further understood that the State of Illinois does not by reason of this stipulation or motion or test in any manner or form waive, abandon or prejudice any of its positions at any time stated or taken in this proceeding, and the State of Illinois hereby affirms and again advances each and every contention and allegation set forth in its petition, and it is not to be construed as an admission by the State of Illinois that such temporary increase in diversion of water for a period of ten days will either remedy or ameliorate effectively the conditions in Brandon Pool which Illinois contends have constituted the alleged menace to health complained of, and,

Whereas, it is the position of the opposing Great Lakes States that any accumulation of sewage wastes and sludge in the Brandon Road Pool since the decree of the United States Supreme Court went into full operation on December 31, 1938, has not created any nuisance condition either from the standpoint of public health, navigation or in any other way, and that such temporary increase in diversion is in no wise necessary to protect the interests of public health or navigation, and,

Whereas, the opposing Great Lakes States are nevertheless, in a spirit of conciliation and accommodation, willing to enter into

the agreement suggested by the Special Master upon the express condition—(a) that such agreement shall not be construed as in any way waiving, abandoning or prejudicing any of the positions of the opposing Great Lakes States hereinbefore stated or at any time taken in these causes or in the course of the present hearing; (b) that nothing in this stipulation nor the fact of the consent of the opposing Great Lakes States to such temporary expedient shall be construed as an admission or evidence of any claim of the State of Illinois or the Sanitary District of Chicago in the premises and shall not be used as a precedent for any future request for any additional temporary diversion over and above the amounts fixed by the decree of April 21, 1930.

Now, Therefore, it is Stipulated and Agreed by and between the parties to the above captioned causes, by their respective counsel, that a temporary increase in diversion from 1500 cubic second feet plus domestic pumpage now authorized by the United States Supreme Court decree of April 21, 1930, to 10,000 cubic second feet plus domestic pumpage of water from Lake Michigan through the Chicago Sanitary Canal may be authorized for one continuous period of ten days for the purpose of trying to remove whatever flocculent active sludge deposits and sewage sludge may have accumulated in the said Brandon Road Pool. It is understood that a record of said operation will be made and the results thereof incorporated in the record of the hearing.

It is Further Stipulated and Agreed that any such agreement will be without prejudice to any party to the above captioned causes and that such agreement is not to be used as a precedent for any future request for additional temporary diversion in excess of the amounts fixed by the United States Supreme Court Decree of April 21, 1930.

It is Further Stipulated and Agreed that a motion in accordance with this stipulation may be filed with the United States Supreme Court and that an order in accordance with the terms of this stipulation may thereupon be entered by said Court without notice to any of said parties.

STATE OF ILLINOIS,

By John E. Cassidy,
Attorney General of the State of Illinois.

STATES OF WISCONSIN, MINNESOTA, OHIO, PENNSYLVANIA, MICHIGAN and NEW YORK,

By Herbert H. Naujoks,
Special Assistant to Attorneys General.

Dated this 31st day of October, 1940."

Walter M. Hort,

Petitioner,

517 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fashion Originators' Guild of America, Inc., et al.,

Petitioners,

537 vs.

Federal Trade Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 251.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Everett Ware Cady, et al.,

Petitioners,

526 vs.

Clifford J. Murphy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

It is ordered that the Sanitary District of Chicago be and it hereby is authorized to increase its diversion of water from the Great Lakes-St. Lawrence System or watershed through the Chicago Drainage Canal from 1,500 cubic feet per second in addition to domestic pumpage to 10,000 cubic feet per second in addition to domestic pumpage for one continuous period of ten days from an appropriate hour on December 2, 1940, to the same hour on December 12, 1940, after which period all the provisions of the decree entered April 21, 1930, shall be and remain in full force and effect until further order of this Court.

A true copy.

Test:

Clerk, Supreme Court, U. S.

Walter M. Hort,

Petitioner,

517 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fashion Originators' Guild of America, Inc., et al.,

Petitioners,

537 vs.

Federal Trade Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 251.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Everett Ware Cady, et al.,

Petitioners,

526 vs.

Clifford J. Murphy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Gus Parber,

Petitioner,

503 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Morgan, Administrator of the Estate of William Nicholas,

Petitioner,

509 vs.

Frank T. Hines, as Administrator of Veterans' Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kong Din Quong,

Petitioner,

512 vs.

Edward L. Haff, District Director of Immigration and Naturalization for the Port of San Francisco.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert L. Meyer, Administrator of the Estate of Amalie Meyer, Deceased, et al.,

Petitioners,

514 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert L. Meyer, Administrator of the Estate of Amalie Meyer, Deceased, et al.,

Petitioners,

515 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bureau of Unemployment Compensation of the State of Georgia,

Petitioner,

519 vs.

Independent Gasoline Company, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William F. Laughlin, as Administrator de bonis non of the Estate of Wesley Cooper, Deceased,

Petitioner,

520 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator of National Surety Company.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Den Norske Amerikalinje, A/S, as Claimant of the Steamship "Idefjord," her Engines, etc.,

Petitioner,

524 vs.

Blumenthal Import Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reading Company,

Petitioner,

525 vs.

Thomas E. Larkin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Obear-Nester Glass Company,

Petitioner,

518 vs.

Walgreen Drug Stores, Inc., and Corning Glass Works.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harriet K. Moon,

Petitioner,

123 vs.

The Home Life Insurance Company of New York;

and

Harriet K. Moon,

Petitioner,

124 vs.

Mutual Benefit Health & Accident Association.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Columbus and Chicago Motor Freight, Inc.,

Appellant,

276 vs.

Public Service Company of the State of Indiana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold H. Moore, Bankrupt,

Petitioner,

428 vs.

Leonard Horton, Trustee in Bankruptcy.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Paul Whiteman,

Petitioner,

566 vs.

RCA Manufacturing Company, Inc., et al.

Motions for leave to file briefs of the American Federation of Musicians and National Association of Performing Artists, as amicus curiae, submitted by Mr. Samuel T. Ansell.

Paul Whiteman,

Petitioner,

566 vs.

RCA Manufacturing Company, Inc., et al.

ON CONSIDERATION of the motions of the American Federation of Musicians and National Association of Performing Artists for leave to file briefs as amicus curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, December 9, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Seymour S. Guthman, Esquire, of Chicago, State of Illinois; and

Jacob S. Guthman, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Smith Rial, It is ordered that

Harry J. Woodward, Esquire, of Philadelphia, State of Pennsylvania;

Orville J. Brown, Esquire, of New Castle, State of Pennsylvania;

George Joseph Mallen, Esquire, of Philadelphia, State of Pennsylvania;

E. Russell Shockley, Esquire, of Harrisburg, State of Pennsylvania;

Edwin C. Enhardt, Esquire, of Philadelphia, State of Pennsylvania;

Harrington Adams, Esquire, of Bethlehem, State of Pennsylvania;

Frank A. Sinon, Esquire, of Austin,
State of Pennsylvania; and

George J. Barco, Esquire, of Meadville,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that David Diamond, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that

Clarence F. Ice, Esquire, of Newton,
State of Kansas; and

Joe T. Dickerson, Esquire, of Houston,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward T. Taylor, It is ordered that

Geo. J. Bailey, Esquire, of Walden,
State of Colorado,

be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bartel J. Jonkman, It is ordered that Thomas Joy Whinery, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Northcutt Ely, It is ordered that Glenn Monroe Hershner, Esquire, of Van Nuys, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Randolph Neal, It is ordered that Franklin Polk Raulston, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsel-

selor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick L. Pearce, It is ordered that Alton H. Skinner, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Myers, It is ordered that George M. Weichelt, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner Gardner, It is ordered that Davidson Sommers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy W. Phillips, It is ordered that

Edgar B. Bronson, Esquire, of New York,
State of New York; and

Arnon W. Welch, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. McIntire, It is ordered that

Edward S. McCluskey, Esquire, of Easton,
State of Pennsylvania;

Samuel S. Googel, Esquire, of New Britain,
State of Connecticut;

Arthur V. Essington, Esquire, of Rockford,
State of Illinois;

Louis H. Burke, Esquire, of Los Angeles,
State of California;

Thomas E. Duffy, Esquire, of Passaic,
State of New Jersey;

A. L. Jeffrey, Esquire, of Oklahoma City,
State of Oklahoma;

John E. McCall, Esquire, of Torrance,
State of California; and

Walker H. Mills, Esquire, of Decatur,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Rhyne, It is ordered that

Hal O. Williams, Esquire, of Louisville,
State of Kentucky;

Walter C. Ellis, Esquire, of East Orange,
State of New Jersey;

Lawrence W. Hecht, Esquire, of Havre de Grace,
State of Maryland;

James N. Roberson, Esquire, of El Reno,
State of Oklahoma;

Albert J. Goodman, Esquire, of Annapolis,
State of Maryland;

Lewis V. Reid, Esquire, of Oklahoma City,
State of Oklahoma;

James M. Carroll, Esquire, of Springfield,
State of Massachusetts;

John C. Doerfer, Esquire, of West Allis,
State of Wisconsin; and

Charles Bidelspacher II, Esquire, of Williamsport,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest K. Neumann, It is ordered that John F. Langs, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that

John J. McCloy, Esquire, of New York,
State of New York; and

Benjamin R. Shute, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Robert J. Deckert, Roland W. Randal, David W. Compton, et al.,

Petitioners,

17 vs.

Independence Shares Corporation, Alfred H. Geary, Frank McCown, Jr., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Douglas did not participate in the consideration or decision of this case.

Robert J. Deckert, Roland W. Randal, David W. Compton, et al.,

Petitioners,

18 vs.

The Pennsylvania Company for Insurance on Lives and Granting Annuities.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Douglas did not participate in the consideration or decision of this case.

The United States of America,
Appellant,
52 vs.
May Harris, Alias Kitty Harris.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

The United States of America,
Appellant,
53 vs.
Marie Kenny, Alias Marie Rickert, Alias Mae Kelly.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

James M. Wright,
Petitioner,
51 vs.
The Union Central Life Insurance Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, and as so modified is affirmed; all costs in this Court to be paid by the Union Central Life Insurance Company.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

564 vs.

Oregon Mutual Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

264 vs.

Pan-American Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Montgomery Ward and Company,
Petitioner,
30 vs.
Luther M. Duncan.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, modified, petitioner to recover its costs in this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Arkansas to hear and rule upon the motion for new trial.

Per Mr. Justice Roberts.

C. E. Stevens Company, C. E. Stevens Tacoma Company, and C. E. Stevens Company of Oregon,
Petitioners.
41 vs.
Foster & Kleiser Co., George W. Kleiser, P. Foster, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Washington for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Lamont William Bowman,
Petitioner,
59 vs.
Martin Loperena, Gregoria Loperena and Martin J. Loperena, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The United States of America,
Petitioner,
42 vs.
Salvatore Falcone, Joseph Falcone, Henry Alberico, Nicholas Nole and John Nole.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of New York.

Per Mr. Justice Stone.

The Schriber-Schroth Company,
Petitioner,
9 vs.
The Cleveland Trust Company,
Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

The Aberdeen Motor Supply Company,
Petitioner,
10 vs.
The Cleveland Trust Company, Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

Charles Peyton West and Maurice John West,

Petitioners,

44 vs.

American Telephone and Telegraph Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal of Charles Peyton West, et al., in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice Roberts.

Charles Peyton West and Maurice John West,

Petitioners,

45 vs.

American Telephone and Telegraph Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice Roberts.

Frank L. Kloeb, Judge of the District Court of the United States for the Northern District of Ohio, Western Division,

Petitioner,

65 vs.

Armour & Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Bacardi Corporation of America,

Petitioner,

21 vs.

Manuel V. Domenech, Treasurer, and Destileria Serralles, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows: The decree of the Circuit Court of Appeals in relation to Section 44 of Act No. 6 of June 30, 1936, as amended by Act No. 149 of May 15, 1937, is reversed and the decree of the District Court is modified so as to eliminate the injunction against the enforcement of Section 40 and Section 44(b) of Act No. 149 of May 15, 1937, and as thus modified is affirmed, costs to be taxed in favor of the petitioner, Bacardi Corporation of America.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for Puerto Rico for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Fidelity Union Trust Company and Minton H. Twinch, as Executors of the Last Will and Testament of Edith M. Peck, Deceased,

Petitioners,

32 vs.

Ethel Adelaide Field.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Chief Justice Hughes.

Six Companies of California, Hartford Accident and Indemnity Company, et al.,

Petitioners,

267 vs.

Joint Highway District No. 13 of the State of California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

36 vs.

Walter C. Janney and Pauline F. M. Janney.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

Chester Gaines and Theresa Gaines, Husband and Wife,

Petitioners,

113 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

Henry W. Taft and Julia W. S. Taft, Petitioners, vs. Guy T. Helvering, Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

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THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

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The Chief Justice announced the following orders of the Court:

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New World Life Insurance Company, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

2

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed upon the first ground set forth in the opinion of the Court of Claims with respect to investment expenses, the views expressed on the second question considered by the Court of Claims as to the right of deduction on account of insurance reserves not being an essential basis for the judgment and being contrary to Helvering v. Oregon Mutual Life Insurance Company, No. 564, decided December 9, 1940.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

547 vs.

Foote Brothers Gear & Machine Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

547 vs.

Foote Brothers Gear & Machine Corporation.

ON CONSIDERATION of the motion to reverse the judgment of the Circuit Court of Appeals in this case without oral argument,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
547 vs.
Foote Brothers Gear & Machine Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause; be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to determine the questions presented upon the record as certified by the National Labor Relations Board pursuant to section 10(e) of the National Labor Relations Act.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
548 vs.
Independent Union of Gear Workers.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
548 vs.
Independent Union of Gear Workers.

ON CONSIDERATION of the motion to reverse the judgment of the Circuit Court of Appeals in this case without oral argument.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
548 vs.
Independent Union of Gear Workers.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to determine the questions presented upon the record as certified by the National Labor Relations Board pursuant to section 10(e) of the National Labor Relations Act.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Edward Quinn,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Hugh A. Bowen,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Fred Rothermel,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Lloyd Rubin,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte John D. Hardy,

Petitioner.

—, Original.

On motion for leave to file petition for writ of habeas corpus and on rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file a petition for

writ of habeas corpus and the return to the rule to show cause;

IT IS ORDERED by this Court that the rule to show cause be discharged and that the motion for leave to file a petition for writ of habeas corpus, be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes E. Lewis, Executrix, etc., et al.,

Petitioners,

176 vs.

R. W. Pontenot, Collector for the District of Louisiana, et al.;

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

177 vs.

United States of America, et al.; and

Agnes E. Lewis, Testamentary Executrix, etc., et al.,

Petitioners,

178 vs.

United States Department of Agriculture, et al.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Floyd, Mrs. J. A. Winans, Independent Executrix, etc., et al.,

Petitioners,

112 vs.

J. T. Eggleston, I. N. Burnett, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Floyd, Mrs. J. A. Winans, Independent Executrix of the Estate of J. E. Winans, Deceased, etc., et al.,

Petitioners,

112 vs.

J. T. Eggleston, I. N. Burnett, C. E. Deaton, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ted Ingels,

Petitioner,

536 vs.

State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ted Ingels,

Petitioner,

536 vs.

State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry R. Swanson, as Secretary of State of Nebraska, et al.,

Appellants,

312 vs.

Gene Buck, Individually, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this question.

Pittsburgh Plate Glass Company,

Petitioner,

Order allowing certiorari.

521 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Crystal City Glass Workers' Union,

Petitioner,

Order allowing certiorari.

523 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

535 vs.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ida C. Hazzard, et al.,

Petitioners,

557 vs.

The Chase National Bank of the City of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Paul B. Roberts, Administrator with the Will Annexed of the Estate of Joseph deR. Moreno, Deceased,

Petitioner,

522 vs.

Marjorie Eileen Bathurst, Executrix of the Estate of Joseph deR. Moreno,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John DeMartini Co., Inc., Edward L. Kahn, Doing Business Under the Name and Style of Edw. L. Kahn & Co., et al.,

Petitioners,

531 vs.

The American Steamer "Maui", Her Engines, Boilers, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. J. Ray,

Petitioner,

534 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eureka Lodge No. 5, Independent Elks, Jerry O. Gilliam and Walter C. Fulford,

Petitioners,

554 vs.

The Grand Lodge Improved, Benevolent Protective Order of Elks of the World.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Vero Beach, a Municipal Corporation Organized and Existing under the Laws of the State of Florida,

Petitioners,

445 vs.

The Rittenoure Investment Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl M. Loeb, Jr.,

Petitioner,

527 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry A. Loeb,

Petitioner,

528 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lillian Hellen Reeves, Elizabeth Hellen Martin and Clarence Cowles Hellen,

Petitioners,

544 vs.

American Security & Trust Company, Trustee for George Hellen, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna L. Raymond,

Petitioner,

551 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin Cain, Doing Business as Cain's Truck Lines,

Petitioner,

552 vs.

Clara Bowlby.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pan Atlantic Steamship Corporation,

Petitioner,

567 vs.

James Fyfe and John T. Bailey, Doing Business as United Fibre Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James H. Johnson,

Petitioner,

—— vs.

Metropolitan Casualty Insurance Company.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond L. Viles,

Petitioner,

230 vs.

Hon. Stanley H. Johnson, Judge, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harmon Metz Waley,

Petitioner,

314 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Harmon Metz Waley,

Petitioner,

314 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bryant McQuillen and Samuel Gottlieb,

Petitioners,

476 vs.

The National Cash Register Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

International Association of Machinists, Tool and Die Makers Lodge No. 35, etc.,

Petitioner,

16 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

West India Oil Company (Puerto Rico),

Petitioner,

26 vs.

Manuel V. Domenech, Treasurer of Puerto Rico.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Continental Casualty Company,

Petitioner,

435 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Homer C. Price,

Petitioner,

492 vs.

Edward J. Moinet, Judge, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ben Adler Signs, Incorporated, et al.,

Petitioners,

420 vs.

Wagner Sign Service, Incorporated.

Motion for leave to file petition for rehearing submitted by Mr. Howard C. Westwood in behalf of counsel for the Petitioners.

Ex parte Claude Offill,

Petitioner.

—, Original.

Return to rule to show cause presented.

Ex parte Louis Burall,

Petitioner.

—, Original.

Return to rule to show cause presented.

Lane Cotton Mills Company,

Petitioner,

508 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Z. & F. Assets Realization Corporation,

Petitioner,

381 vs.

Cordell Hull, Secretary of State and Henry Morgenthau, Secretary of the Treasury, et al.;

and

American-Hawaiian Steamship Company,

Petitioner,

382 vs.

Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al.

Four hours allowed for oral argument.

Argument commenced by Mr. Joseph M. Proskauer for the Petitioner in No. 381; and continued by Mr. Fred K. Nielsen for the Petitioner in No. 382; by Mr. Solicitor General Biddle for the Respondents, Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; and by Mr. William D. Mitchell for the Respondent, Lehigh Valley Railroad Company.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Thomas J. Warren, Esquire, of Fort Collins, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward D. Smith, It is ordered that Edward D. Smith, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that William Garth Symmers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. Folsom-Jones, It is ordered that Arthur D. Platt, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Byrne Chamberlin, It is ordered that Linus R. Pike, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Blair, It is ordered that John D. Pope III, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Holmes Baldridge, It is ordered that Allan Falkenstine, Esquire, of Watonga, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron Melvin Cohen, It is ordered that George P. Halperin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael M. Doyle, It is ordered that John J. Sloan, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Marcellus McInnis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Z. & F. Assets Realization Corporation,

Petitioner,

381 vs.

Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al.;

and

American-Hawaiian Steamship Company,

Petitioner,

382 vs.

Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury, et al.

Argument continued by Mr. William D. Mitchell for the Respondent, Lehigh Valley Railroad Company; and concluded by Mr. Joseph M. Proskauer for the Petitioner in No. 381.

The United States of America,

Appellant,

43 vs.

William L. Hutcheson, et al.

Argued by Mr. Assistant Attorney General Arnold for the Appellant and by Mr. Charles H. Tuttle for the Appellees.

Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al.,

Appellants,

22 vs.

Bernard Davidowitz and Vincenzo Travaglini.

Argument commenced by Mrs. M. Louise Rutherford for the Appellants and continued by Mr. William S. Rial for the Appellants and by Mr. Isidor Ostroff for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 11, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Thos. A. Wilson, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Alfred Dexter, It is ordered that Anthony L. Gaudio, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Sherwood E. Silliman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that

Carl D. Sneed, Esquire, of Herrin,
State of Illinois; and

Morris Shapiro, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Lawrence Earl Broh-Kahn, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al.,

Appellants,

22 vs.

Bernard Davidowitz and Vincenzo Travaglini.

Argument continued by Mr. Isidor Ostroff for the Appellees; by Mr. Solicitor General Biddle for the United States as amicus curiae, by special leave of Court; and concluded by Mr. William S. Risl for the Appellants.

Leave granted Appellants to file an additional brief within five days.

Martin J. Bernards and Lena Bernards,

Petitioners,

54 vs.

M. R. Johnson, Catherine Collins, et al.

Argued by Mr. William Lemke for the Petitioners; by Mr. Harrison G. Platt for the Respondents, M. R. Johnson and Joseph M. Loomis, Trustee; and case submitted by Mr. Wm. L. Brewster for the Respondent, Catherine Collins.

Guy T. Helvering, Commissioner of
Internal Revenue,

Petitioner,

49 vs.

Godfrey Hammel and Pearl Hammel.

Argued by Mr. Norman D. Keller for the Petitioner and by Mr. John J. Sloan for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that Allan Seserman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Ambrose Doskow, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Electro-Chemical Engraving Co., Inc.,
Petitioner,

62 vs.

Commissioner of Internal Revenue.

Argued by Mr. George P. Halperin for the Petitioner and by Mr. Norman D. Keller for the Respondent.

Donald S. McClain,

Petitioner,

55 vs.

Commissioner of Internal Revenue.

Argued by Mr. Edward D. Smith, Jr., for the Petitioner and by Miss Helen R. Carloss for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

58 vs.

S. C. Thomson.

Motion to substitute party respondent submitted by Mr. T. F. Davies Haines for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

58 vs.

S. C. Thomson.

The death of S. C. Thomson and the qualification of Florence Stanton Thomson as Executrix having been suggested,

IT IS, on motion of counsel for the Respondent, ORDERED by this Court that Florence Stanton Thomson, Executrix under the will of S. C. Thomson, Deceased, be substituted as the party respondent herein and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

58 vs.

Florence Stanton Thomson, Executrix, etc.

Argued by Miss Helen R. Carloss for the Petitioner and by Mr. T. F. Davies Haines for the Respondent.

Railroad Commission of Texas, Lon A. Smith, et al.,

Appellants,

57 vs.

Humble Oil and Refining Company.

Argued by Mr. James P. Hart for the Appellants and by Mr. Rex G. Baker for the Appellee.

Railroad Commission of Texas, Lon A. Smith, et al.,

Appellants,

218 vs.

Rowan & Nichols Oil Company.

Argument commenced by Mr. James P. Hart for the Appellants and continued by Mr. Dan Moody for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel T. Ansell, It is ordered that Burr Tracy Ansell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Lewis, Jr., It is ordered that Millard G. Sinclair, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Sherbondy, It is ordered that Justin H. Folkerth, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip S. Peyser, It is ordered that Charles L. Kaufman, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Railroad Commission of Texas, Lon A. Smith, et al.,

Appellants,

218 vs.

Rowan & Nichols Oil Company.

Argument concluded by Mr. Dan Moody for the Appellee.

Virginia Vandenbark,

Petitioner,

141 vs.

The Owens-Illinois Glass Company.

Argument commenced by Mr. Paul D. Smith for the Petitioner; continued by Mr. Lawrence Earl Broh-Kahn for the Respondent; and concluded by Mr. Thomas H. Sutherland for the Petitioner.

William B. Milliken, et al.,

Petitioners,

66 vs.

Violet L. Meyer, both Individually and as Administratrix, etc.

Argued by Mr. Jean S. Breitenstein for the Petitioners and case submitted by Mr. Fred S. Caldwell for the Respondent.

American Federation of Labor, John Fitzpatrick, et al.,

Petitioners,

56 vs.

Ross W. Swing, et al.

Argued by Mr. Walter F. Dodd for the Petitioners and by Mr. Myer N. Rosengard for the Respondents.

Milk Wagon Drivers Union of
Chicago, Local 753, etc., et al.,

Petitioners,

1 vs.

Meadowmoor Dairies, Inc.

Argument commenced by Mr. Abraham W. Brussell for the Petitioners.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that William H. Langroise, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Wayne E. Ripley, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl F. Reed, It is ordered that Donald W. Ebbert, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Charles R. Scott, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Francis Dammann, It is ordered that

James A. Velde, Esquire, of Chicago,
State of Illinois;

Royal W. Irwin, Esquire, of Chicago,
State of Illinois; and

Kenneth F. Montgomery, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston C. King, Jr., It is ordered that Henry E. Seyfarth, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar P. Mast, It is ordered that Alfred McKnight, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wattawa, It is ordered that

Joseph P. Tumulty, Jr., Esquire, of Washington,
District of Columbia; and

Colby Stilson, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin,	On writ of certiorari to the
Petitioners,	Supreme Court of the State of
46 vs.	Wisconsin.
J. C. Penney Company.	

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice, Mr. Justice McReynolds, and Mr. Justice Reed concur.

State of Wisconsin and Elmer E. Barlow, as Commissioner of Taxation of the State of Wisconsin,

Petitioners,

48 vs.

Minnesota Mining and Manufacturing Company.

On writ of certiorari to the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Roberts, and Mr. Justice Reed.

The United States of America,

Petitioner,

12 vs.

Appalachian Electric Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Virginia with instructions to enter an order enjoining the construction, maintenance or operation of the Radford project otherwise than under a license, accepted by the Respondent within a reasonable time, substantially in the form tendered Respondent by the Federal Power Commission on or about May 5, 1931, or in the alternative, as prayed in the bill.

Per Mr. Justice Reed.

The Chief Justice took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds concurs.

The United States of America, Appellant,	Appeal from the District Court of the United States for the Eastern District of Washington.
3 vs.	
Northern Pacific Railway Company, Northern Pacific Railroad Company, Northwestern Improvement Company, et al.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings as indicated in the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Northern Pacific Railway Company, Northern Pacific Railroad Company, et al., Appellants,	Appeal from the District Court of the United States for the Eastern District of Washington.
4 vs.	
The United States of America.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the appeal is without merit.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

L. Singer & Sons, et al., Petitioners,
34 vs.
Union Pacific Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri.

Per Mr. Justice McReynolds.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

Separate opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Reed concur.

Kansas City, Missouri, Petitioner,
35 vs.
L. Singer & Sons, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed

by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri.

Per Mr. Justice McReynolds.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

Separate opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Reed concur.

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The Chief Justice announced the following order of the Court:

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Equitable Loan Society, Inc., et al., Appellants,

561 vs.

John C. Bell, Jr., Secretary of Banking of the Commonwealth of Pennsylvania, et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Norman E. Blosser,

Petitioner,

—— vs.

The United States.

ON CONSIDERATION of the application submitted by the Petitioner herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Joseph E. Jones,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Claude Offill,
Petitioner.
—, Original.

On motion for leave to file petition for writ of habeas corpus and on rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and the return to the rule to show cause;

IT IS ORDERED by this Court that the rule to show cause be discharged and that the motion for leave to file a petition for writ of habeas corpus, be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry L. Lynch,
Petitioner,
468 vs.
The Superior Court of Los Angeles County.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry L. Lynch,

Petitioner,

468 vs.

The Superior Court of Los Angeles County.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William James Sidis,

Petitioner,

560 vs.

F-R Publishing Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William James Sidis,

Petitioner,

560 vs.

F-R Publishing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur W. Mitchell,

Appellant,

577 vs.

The United States of America, Interstate Commerce Commission, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

New York, Chicago & St. Louis Railroad Company,

Appellant,

586 vs.

Dorothea T. Frank.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Fred F. Edwards,

Appellant,

588 vs.

The People of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

City of Kansas City, Kansas, Don C. McCombs, et al.,

Appellants,

594 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Public Service Commission of the State of Missouri, et al.,

Petitioners,

549 vs.

Brashear Freight Lines, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Commercial Molasses Corporation,

Petitioner,

584 vs.

New York Tank Barge Corporation, as Chartered Owner of the Tank Barge "T. N. No. 73".

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Earl Moore,

Petitioner,

550 vs.

Illinois Central Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Carl F. Kortepeter,

Petitioner,

532 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gurney G. Derbyshire,

Petitioner,

533 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph S. Lenihan, et al., in Their Own Behalf as Subscribers and Users of the Service of the Tri-State Telephone and Telegraph Company, etc., et al.,

Petitioners,

553 vs.

The Tri-State Telephone and Telegraph Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Texas Company,

Petitioner,

555 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maud S. Williams,

Petitioner,

559 vs.

New Jersey-New York Transit Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ben Preston, Petitioner, vs. Kaw Pipe Line Company, et al.

562

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul Whiteman, Petitioner, vs. R C A Manufacturing Company, Inc., W B O Broadcasting Corporation and Elin, Inc.

566

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R C A Manufacturing Company, Inc., Petitioner, vs. Paul Whiteman, W B O Broadcasting Corporation and Elin, Inc.

570

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur T. Hormann,

Petitioner,

571 vs.

The Northern Trust Company, John Russell Tanner, Wilbur Clark Tanner, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur T. Hormann,

Petitioner,

572 vs.

The Northern Trust Company, John Russell Tanner, Wilbur Clark Tanner, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ben Adler Signs, Incorporated, et al.,

Petitioners,

420 vs.

Wagner Sign Service, Incorporated.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

13 vs.

Ashby Oliver Stewart.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Van Riper,

Petitioner,

439 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mae B. Burgess, Co-Administratrix,
et al.,

Petitioners,

462 vs.

Reliance Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Tennyson Neely,

Petitioner,

499 vs.

Merchants Trust Company of Red Bank,
New Jersey, as Administrator, etc.,
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Obear-Nester Glass Company,

Petitioner,

518 vs.

Walgreen Drug Stores, Inc., and
Corning Glass Works.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, December 23, until Monday, January 6, 1941.

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Milk Wagon Drivers Union of Chicago,
Local 753, etc., et al.,

Petitioners,

1 vs.

Meadowmoor Dairies, Inc.

Argument continued by Mr. Abraham W. Brussell for the Petitioners; by Mr. Donald N. Schaffer and Mr. Roy Massena for the Respondent; and concluded by Mr. Abraham W. Brussell for the Petitioners.

Reconstruction Finance Corporation,
Prudence-Bonds Corporation, et al.,

Petitioners,

69 vs.

Prudence Securities Advisory Group,
et al.

Argument commenced by Mr. Assistant Solicitor General Fahy for the Petitioners and continued by Mr. John Gerdes for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 17, 1940.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Lowell Curtis Wadmond, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Pike, It is ordered that John W. Willis, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Charles A. Reinwald, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Utley Fletcher, It is ordered that Harvey Arthur Lupton, Esquire, of Winston-Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B.

O'Connell, It is ordered that William R. Wondrowitz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that William McChesney Martin, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Roberts, It is ordered that

Harold Allan Kertz, Esquire, of Washington, District of Columbia; and

Francis Joseph Ortman, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that Harry W. Oehler, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Reconstruction Finance Corporation, Prudence-Bonds Corporation, et al.,

Petitioners,

69 vs.

Prudence Securities Advisory Group, et al.

Argument continued by Mr. John Gerdes for the Respondents and concluded by Mr. Assistant Solicitor General Fahy for the Petitioners.

Hertha J. Sibbach,

Petitioner,

28 vs.

Wilson & Company, Inc.

Argued by Mr. James A. Velde for the Petitioner and by Mr. J. F. Dammann for the Respondent.

Henry J. Beal, et al.,

Petitioners,

72 vs.

Missouri Pacific Railroad Corporation, in Nebraska.

Argument commenced by Mr. H. Emerson Kokjer for the Petitioners; continued by Mr. G. L. DeLacy for the Respondent; and concluded by Mr. Edwin Vail for the Petitioners.

H. J. Heinz Company,

Petitioner,

73 vs.

National Labor Relations Board.

Argument commenced by Mr. Earl F. Reed for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Lovett, It is ordered that Reginald W. McDuffee, Esquire, of Savannah, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that

Walter Freedman, Esquire, of Saint Louis, State of Missouri; and

John F. Davis, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd H. Dopp, It is ordered that Edwin Hort, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that Rafael Cintron Lastra, Esquire, of San Juan,

Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Olga E. Voeller, et al.,

Petitioners,

97 vs.

The Neilston Warehouse Company, et al.

Submitted by Mr. Carrington T. Marshall and Mr. Orland R. Crawfis for the Petitioners and by Mr. Francis J. Wright for the Respondents.

Superior Bath House Company,

Appellant,

180 vs.

Z. M. McCarroll, Commissioner of Revenues of the State of Arkansas.

Submitted by Mr. Terrell Marshall for the Appellant and by Mr. Frank Pace, Jr., and Mr. Lester M. Ponder for the Appellee.

H. J. Heinz Company,

Petitioner,

73 vs.

National Labor Relations Board.

Argument continued by Mr. Earl P. Reed for the Petitioner and concluded by Mr. Assistant Solicitor General Fahy for the Respondent.

National Labor Relations Board,

Petitioner,

235 vs.

Link-Belt Company; and

National Labor Relations Board,

Petitioner,

236 vs.

Independent Union of Craftsmen.

Argued by Mr. Robert B. Watts for the Petitioner; by Mr. Henry E. Seyfarth for the Respondent in No. 235; and by Mr. Benjamin Wham for the Respondent in No. 236.

A. C. Frost & Company,

Petitioner,

78 vs.

Coeur D'Alene Mines Corporation.

Argument commenced by Mr. Ernest L. Wilkinson for the Petitioner; continued by Mr. William H. Langroise and Mr. James A. Wayne for the Respondent; and concluded by Mr. John W. Cragun for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Ferdinand T. Weil, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Glenn O. Young, Esquire, of Sapulpa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that Robert B. Meyner, Esquire, of Phillipsburg, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Robert H. Jackson, Attorney General
of the United States, on behalf of
the United States and as Successor
to the Alien Property Custodian,

Petitioner,

75 vs.

Irving Trust Company, as Executor,
etc., et al.

Argued by Mr. Assistant Attorney General Shea for the Petitioner and by Mr. Nathan L. Miller for the Respondents.

Mikhail Nicholas Gorin,

Petitioner,

87 vs.

The United States of America; and

Hafis Salich,

Petitioner,

88 vs.

The United States of America.

Argued by Mr. Donald R. Richberg for the Petitioners and by Mr. Warner W. Gardner for the Respondent.

The United States of America,

Appellant,

82 vs.

P. W. Darby Lumber Company and
Fred W. Darby.

Argument commenced by Mr. Solicitor General Biddle for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles S. Piepgrass, It is ordered that J. Adrian Rosenburg, Esquire, of Jackson, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that

Robert R. Bruce, Esquire, of New York, State of New York; and

Harry A. Walsh, Esquire, of Trenton, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that L. Welch Pogue, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

82 vs.

F. W. Darby Lumber Company and
Fred W. Darby.

Argument continued by Mr. Solicitor General Biddle for the Appellant; by Mr. Archibald B. Lovett for the Appellees; and concluded by Mr. Solicitor General Biddle for the Appellant.

Opp Cotton Mills, Inc., et al.,

Petitioners,

330 vs.

Administrator of the Wage and Hour
Division of the Department of Labor.

Argued by Mr. Ben F. Cameron for the Petitioners and by Mr. Solicitor General Biddle for the Respondent.

The United States,

Petitioner,

188 vs.

Cowden Manufacturing Company.

Argued by Mr. Andrew D. Sharpe for the Petitioner and by Mr. Phil D. Morelock for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Luis Tirado Geigel, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Walter J. Halliday, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lewis K. Stoner,
Petitioner,
74 vs.
New York Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and that the judgment of the

District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri.

Per Mr. Justice Murphy.

William B. Milliken, Margaret M. Milliken, Texas Production Company, et al.,

Petitioners,

66 vs.

Violet L. Meyer, Both Individually and as Administratrix with the Will Annexed of the Estate of Raymond D. Meyer, Deceased.

On writ of certiorari to the Supreme Court of the State of Colorado.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Best & Company, Inc.,

Appellant,

61 vs.

A. J. Maxwell, Commissioner of Revenue of the State of North Carolina.

Appeal from the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

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The Chief Justice announced the following order of the Court:

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State of Wisconsin and Elmer E. Marlow, as Commissioner of Taxation of the State of Wisconsin,

Petitioners,

47 vs.

F. W. Woolworth Company.

On writ of certiorari to the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration or decision of this cause.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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John J. Baumeister,

Petitioner,

513 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Baumeister,

Petitioner,

513 vs.

The State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary B. Betz,

Petitioner,

623 vs.

Estate of J. Edward Brill, Deceased.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary B. Betz,

Petitioner,

623 vs.

Estate of J. Edward Brill, Deceased.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.; and

Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted, and the cases are assigned for argument immediately following No. 312.

Per Mr. Chief Justice Hughes.

R. H. Nye and L. C. Mayers,

Petitioners,

558 vs.

The United States of America and W. B. Guthrie.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Washington,

Petitioner,

483 vs.

Inland Empire Refineries, Inc., Montana Headlight Oil Company and Great Northern Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the judgment of the court below rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Hyman G. Stein, Petitioner, vs. St. Louis Public Service Company, Debtor, Henry W. Kiel, Trustee for St. Louis Public Service Company, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

573

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration or decision of this application.

E. W. Gwinner, Petitioner, vs. D. B. Heiner, Formerly Collector of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

578

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration or decision of this application.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.; and

Gene Buck, Individually and as President of the American Society of Composers, Authors, and Publishers, et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted, and the cases are assigned for argument immediately following No. 312.

Per Mr. Chief Justice Hughes.

R. H. Nye and L. C. Mayers,

Petitioners,

558 vs.

The United States of America and W. B. Guthrie.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Washington,

Petitioner,

483 vs.

Inland Empire Refineries, Inc., Montana Headlight Oil Company and Great Northern Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the judgment of the court below rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Hyman G. Stein,
Petitioner,
573 vs.
St. Louis Public Service Company, Debtor, Henry W. Kiel, Trustee for St. Louis Public Service Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration or decision of this application.

E. W. Gwinner,
Petitioner,
578 vs.
D. B. Heiner, Formerly Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Piney Coking Coal Land Company,
Petitioner,
568 vs.
Ernest K. James, State Tax Commissioner for the State of West Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Municipal Acceptance Corporation,
Petitioner,
569 vs.
Ernest K. James, State Tax Commissioner for the State of West Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

King County, a Municipal Corporation, Ralph F. Stacy, as Treasurer of King County, et al.,
Petitioners,
574 vs.
W. J. Lake & Company, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Producers Pipe Line Company,

Petitioner,

575 vs.

James W. Martin, Commissioner of Revenue for the Commonwealth of Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Great American Insurance Company,

Petitioner,

581 vs.

Companhia De Navegacao Lloyd Brasileiro, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Companhia De Navegacao Lloyd Brasileiro,

Petitioner,

585 vs.

The Great American Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jackson County, Missouri,

Petitioner,

605 vs.

Clarence B. Reed, Trustee.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American United Mutual Life Insurance Company,

Petitioner,

31 vs.

City of Avon Park, Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, January 6, 1941, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Jacob M. Burkoff, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Arthur A. Armstrong, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawson Romjue, It is ordered that Chas. E. Prettyman 3rd., Esquire, of Neosho, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Paul M. Salsburg, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J.

Wideman, It is ordered that John G. Jackson, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Watts, It is ordered that Bernard L. Alpert, Esquire, of New Britain, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas W. Lain, It is ordered that Rupert R. Markrider, Esquire, of Galveston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that John Alfred Granlund, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Sydney Edward Shuteran, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Reconstruction Finance Corporation, Prudence-Bonds Corporation, President and Directors of the Manhattan Company, et al.,

Petitioners,

69 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeals in this cause, be, and the same is hereby, reversed with costs and

that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Reed in which Mr. Justice Roberts joins.

National Labor Relations Board,
Petitioner,
235 vs.
Link-Belt Company; and

National Labor Relations Board,
Petitioner,
236 vs.
Independent Union of Craftsmen.

On writs of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THESE CAUSES came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in these causes, be, and the same is hereby, reversed; and that these causes be, and the same are hereby, remanded to the said Circuit Court of Appeals with directions to enforce the order of the National Labor Relations Board in full.

Per Mr. Justice Douglas.

Mr. Justice McReynolds took no part in the consideration or disposition of these cases.

Railroad Commission of Texas, Lon A. Smith, Ernest O. Thompson, and Jerry Sadler, Members of the Railroad Commission of Texas, et al.,
Appellants,
218 vs.
Rowan & Nichols Oil Company.

Appeal from the District Court of the United States for the Western District of Texas.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said District Court for dismissal of the complaint.

Per Mr. Justice Frankfurter.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Railroad Commission of Texas and Lon A. Smith, Ernest O. Thompson, et al., etc.,

Appellants,

57 vs.

Humble Oil and Refining Company.

Appeal from the District Court of the United States for the Western District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated with costs: and that this cause be, and the same is hereby, remanded to the said District Court for dismissal of the complaint.

Per Mr. Justice Frankfurter.

Dissenting: The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Roberts.

Virginia Vandenbark,

Petitioner,

141 vs.

The Owens-Illinois Glass Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in

this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds concurs in the result.

Mr. Justice Stone took no part in the consideration or decision of this case.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,

Petitioners,

38 vs.

Connecticut Railway & Lighting Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

Olga E. Voeller, Dorothy Gloeckner, Nellie B. Pugh, et al.,

Petitioners,

97 vs.

The Neilston Warehouse Company and the Ohio National Bank of Columbus.

On writ of certiorari to the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Donald S. McClain,

Petitioner,

55 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

58 vs.

Florence Stanton Thomson, Executrix Under the Will of S. C. Thomson, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

49 vs.

Godfrey Hammel and Pearl Hammel.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Justice Roberts.

Electro-Chemical Engraving Co., Inc.,

Petitioner,

62 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Dissenting: Mr. Justice Roberts.

H. J. Heinz Company,

Petitioner,

73 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Mr. Justice McReynolds took no part in the consideration or decision of this case.

E. & P. Assets Realization Corporation,
Petitioner,
381 vs.
Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; Lehigh Valley Railroad Company, Intervener.

On writs of certiorari to the United States Court of Appeals for the District of Columbia.

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American-Hawaiian Steamship Company,
Petitioner,
382 vs.
Cordell Hull, Secretary of State, and Henry Morgenthau, Secretary of the Treasury; Lehigh Valley Railroad Company, Intervener.

THESE CAUSES came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in these causes, be, and the same is hereby, affirmed; and that these causes, be, and the same are hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of these causes.

Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

Robert H. Jackson, Attorney General of the United States, on Behalf of the United States, and as Successor to the Alien Property Custodian,

Petitioner,

75 vs.

Irving Trust Company, as Executor of Hermann Sielcken, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this case.

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The Chief Justice announced the following order of the Court:

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John Sherman Harris,

Appellant,

617 vs.

M. Gary Whittle, Sheriff.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

John Sherman Harris,
Appellant,
617 vs.
M. Gary Whittle, Sheriff.

Appeal from the Supreme Court of the State of Georgia.

TREATING the appeal papers herein from the Supreme Court of the State of Georgia as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED that the official bond for $20,000, required of the Clerk and duly executed by him and the Aetna Casualty and Surety Company, on December 23, 1940, and approved by the Chief Justice, shall be recorded and deposited with the Attorney General for safe keeping.

Per Mr. Chief Justice Hughes.

Which said bond is in the following words and figures, viz:

"53 S 7151

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY, as principal, and THE AETNA CASUALTY AND SURETY COMPANY, Hartford, Connecticut, as surety, are held and firmly bound unto the United States of America in the penal sum of TWENTY THOUSAND ($20,000.) DOLLARS lawful money of the United States, to be paid to the said United States of America or their certain attorney, to which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors,

administrators and assigns, jointly and severally, firmly by these presents.

"Sealed with our seals and dated this 23rd day of Dec., A. D. 1940.

"WHEREAS, the above bounden CHARLES ELMORE CROPLEY hath been appointed Clerk of the Supreme Court of the United States.

"NOW THEREFORE, the condition of the above obligation is such that if he, the said CHARLES ELMORE CROPLEY, shall faithfully discharge the duties of his said office, and seasonably record the decrees, judgments and determinations of the said Supreme Court of the United States, then this obligation to be void, otherwise, to remain in full force and virtue in law.

"Signed, sealed and delivered
in the presence of:

Carl D. Zimmerman

W. E. Birgfeld

M. M. Smith

R. L. Shull

CHARLES ELMORE CROPLEY (Seal)
Charles Elmore Cropley

THE AETNA CASUALTY AND SURETY COMPANY (Seal)
By: F. D. Compton
F. D. Compton, Attorney-in-fact.

Approved January 4th, 1941, by order of the Court.

CHARLES E. HUGHES
Chief Justice of the United States."

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O R D E R.

IT IS ORDERED that the bond for $100,000 additional to his official bond required of the Clerk by order of the Court dated June 6, 1927, and duly executed by him and the Aetna Casualty and Surety Company on December 23, 1940, and approved by the Chief Justice, shall be deposited with the Attorney General for safe keeping.

Per Mr. Chief Justice Hughes.

Which said bond is in the following words and figures, viz:

"53 S 7152

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY, Clerk of the Supreme Court of the United States, as principal, and THE AETNA CASUALTY AND SURETY COMPANY, Hartford, Connecticut, as surety, are held and firmly bound unto the United States of America, for the benefit of the litigants in the Supreme Court of the United States and of all others, as their interests may appear, in the penal sum of ONE HUNDRED THOUSAND ($100,000.) DOLLARS lawful money of the United States, to be paid to the said United States for the benefit of the said litigants and of all others, as their interests may appear, for which payments, well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents,

"Sealed with our seals, and dated this 23rd day of December 1940.

"NOW THEREFORE, the condition of this bond is such that if the said CHARLES ELMORE CROPLEY, Clerk as aforesaid, shall well and truly perform the services for which moneys by law or under the rules of the Court are advanced or paid to him, and shall truly and faithfully account for such moneys thus advanced or paid, and for any excess thereof after the services are rendered, and also for all other moneys received by him as such Clerk, in accordance with law or the orders of this Court, then this obligation to be void; otherwise to remain in full force and virtue in law.

Witnesses:

Carl D. Zimmerman
W. E. Birgfeld

CHARLES ELMORE CROPLEY
Charles Elmore Cropley

THE AETNA CASUALTY AND SURETY COMPANY (Seal)

M. M. Smith
R. L. Shull

By: F. D. Compton
F. D. Compton, Attorney-in-Fact.

Approved January 4th 1941, by order of the Court.

CHARLES E. HUGHES
Chief Justice of the United States."

Rules of Procedure and Practice for the Trial of Cases Before Commissioners and for Taking and Hearing of Appeals to the District Courts of the United States, prescribed pursuant to the Act of Congress of October 9, 1940.

ORDER.

Pursuant to the provisions of Section 2 of the Act of Congress, approved October 9, 1940, conferring jurisdiction upon certain United States Commissioners to try petty offenses committed on Federal reservations,

IT IS ORDERED on this sixth day of January, 1941, that the following rules be adopted as the Rules of Procedure and Practice for the Trial of Cases Before Commissioners and for Taking and Hearing of Appeals to the District Courts of the United States.

IT IS FURTHER ORDERED that these rules shall be applicable to proceedings instituted on or after February 1, 1941, and to pending proceedings except to the extent that in the opinion of the Commissioner or the Court their application would not be feasible or would work injustice.

I. INFORMATION AND WARRANT

A warrant of arrest shall be issued only on an information, under oath, which shall set forth the day and place it was taken, the name of the informer, the name and title of the Commissioner, the name of the offender, the time the alleged offense was committed and the place where it was committed and a description of the alleged offense.

If arrest is made on view, an information setting forth the same matters shall be made and filed before trial.

II. TRIAL.

The date of trial shall be fixed at such a time as will afford the defendant a reasonable opportunity for preparation and for representation by counsel if desired.

The trial shall be conducted as are trials of criminal cases in the District Court by a District judge in a criminal case where a jury is waived.

Which said bond is in the following words and figures, viz:

"53 S 7152

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY,

Court of the United States, as principal, an

AND SURETY COMPANY, Hartford, Connecticut, a

firmly bound unto the United States of Ameri

the litigants in the Supreme Court of the Un

others, as their interests may appear, in the

DRED THOUSAND ($100,000.) DOLLARS lawful mone

to be paid to the said United States for the

litigants and of all others, as their interes

which payments, well and truly to be made, we

and each of our heirs, executors, administrat

ly and severally, firmly by these presents,

"Sealed with our seals, and dated th

ber 1940.

"NOW THEREFORE, the condition of thi

the said CHARLES ELMORE CROPLEY, Clerk as afo

truly perform the services for which moneys by

of the Court are advanced or paid to him, and

fully account for such moneys thus advanced or

cess thereof after the services are rendered,

moneys received by him as such Clerk, in accor

orders of this Court, then this obligation to

remain in full force and virtue in law.

Witnesses:

Carl D. Zimmerman

W. E. Birgfeld

CHARLES ELM
Charles Elm

THE AETNA CASUALTY AND SURETY COMPANY (Seal)

M. M. Smith

R. L. Shull

By: F. D. Compton
F. D. Compton, Attorney-in-Fact.

Approved January 4th 1941, by order of the Court.

CHARLES E. HUGHES
Chief Justice of the United States."

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III. Docket.

The Commissioner's proceedings shall be ente
which shall show: (1) The defendant's written
before the Commissioner; (2) the date of the inf
whose oath it was made; (3) the date of the is
the warrant; (4) the defendant's plea or pleas;
the witnesses for the United States and for th
condensed summary of the testimony of each,
mentary evidence received; (6) the judgment a
Commissioner.

IV. Appeal.

1. Motions subsequent to judgment of conv
entertained by the Commissioner.

2. An appeal shall be taken within five days a
ment of conviction. An appeal shall be taken
Commissioner a notice in duplicate stating t
appeals from the judgment, and by serving a
upon the United States Attorney. The notice
forth the title of the case, the names and addres
and the appellant's attorney, if any; a genera
nature of the offense; the date of the judgmen
posed and, if the appellant is in custody, the pri
fined. The notice shall also contain a succinc
grounds of appeal which shall serve as the appe
of error and shall follow substantially the form

3. The Commissioner shall immediately for
of the District Court the duplicate notice of a
a transcript of his docket entries and copies of t
warrant, the defendant's written consent to b
Commissioner, and any order concerning bai
certified under his hand and seal. From the t
the Commissioner's certificate the District Cou
vision and control of the proceedings on appe
time, upon five days' notice, entertain a moti
for directions to the Commissioner or to vac
order of the Commissioner in relation to the ap
order for the granting of bail.

4. An appeal from a judgment of conviction stays the execution of the judgment unless the defendant, pending his appeal, shall elect to enter upon the service of the sentence.

5. The defendant shall not be admitted to bail pending appeal from a judgment of conviction save as follows: Bail may be granted by the Commissioner or by the District Court or any judge thereof; but bail shall not be allowed pending appeal unless it appears that the appeal involves a substantial question which should be determined by the District Court.

6. The record on appeal shall consist of the matters certified by the Commissioner pursuant to paragraph 3. No bill of exceptions and no assignments of error other than those set forth as ground for appeal shall be required. The defendant shall not be entitled to a trial *de novo* in the District Court and the decision of the Commissioner upon questions of fact shall not be reexamined by the District Court. Only errors of law apparent from the record as certified by the Commissioner shall be considered by the court.

V. New Trial for After-Discovered Evidence.

Within sixty days after conviction a defendant may move for a new trial on the ground of after-discovered evidence. The motion shall be in writing, addressed to the Commissioner and shall set forth under oath the nature of the evidence and the reason it was unavailable at the trial. A copy of the motion shall forthwith be served upon the United States Attorney. The Commissioner shall transmit the motion together with a transcript of his docket entries to the District Court. That court shall hear the motion, and, if it deems a sufficient showing has been made, may vacate the judgment of conviction and direct the Commissioner to re-try the case.

VI. District Court Rules.

The District Courts may, by order or standing rule, not inconsistent with these rules, regulate the practice and procedure on appeals from convictions before a Commissioner.

Which said bond is in the following words and figures, viz:

"53 S 7152

"KNOW ALL MEN BY THESE PRESENTS,

"That we, CHARLES ELMORE CROPLEY, Clerk of the Su
Court of the United States, as principal, and THE AETNA CASU
AND SURETY COMPANY, Hartford, Connecticut, as surety, are he
firmly bound unto the United States of America, for the bene
the litigants in the Supreme Court of the United States and
others, as their interests may appear, in the penal sum of O
DRED THOUSAND ($100,000.) DOLLARS lawful money of the United
to be paid to the said United States for the benefit of the s
litigants and of all others, as their interests may appear, f
which payments, well and truly to be made, we bind ourselves,
and each of our heirs, executors, administrators and assigns,
ly and severally, firmly by these presents,

"Sealed with our seals, and dated this 23rd day of De
ber 1940.

"NOW THEREFORE, the condition of this bond is such th
the said CHARLES ELMORE CROPLEY, Clerk as aforesaid, shall well
truly perform the services for which moneys by law or under the
of the Court are advanced or paid to him, and shall truly and f
fully account for such moneys thus advanced or paid, and for an
cess thereof after the services are rendered, and also for all
moneys received by him as such Clerk, in accordance with law or
orders of this Court, then this obligation to be void; otherwise
remain in full force and virtue in law.

Witnesses:

Carl D. Zimmerman

W. E. Birgfeld

CHARLES ELMORE CROPLEY
Charles Elmore Cropley

THE AETNA CASUALTY AND SURETY COMPANY
(Seal)

M. M. Smith

R. L. Shull

By: F. D. Compton
F. D. Compton, Attorney-in-Fact.

Approved January 4th 1941, by order of the Court.
CHARLES E. HUGHES
Chief Justice of the United States."

FORM OF N

In the District Court
For the .....
UNITED STATES OF
vs.
.....
.....
Name and address of
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Name and address of
.....
Offense .....
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Date of judgment....
Brief description of
.....
Name of prison whe
.....
I, the above name
District Court for t
from the judgment
(S
Dated.....
Grounds of appeal

4

OTICE OF APPEAL UNDER RULE IV.

of the United States
..... District of .....

AMERICA } Appeal from the Judgment and
Sentence of.....;
United States Commissioner.

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f appellant.....

.....

appellant's attorney.....

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judgment or sentence.....

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re now confined, if not on bail.....

.....

l Appellant, hereby appeal to the United States
he ..... District of .....
above-mentioned on the grounds set forth below

Signed).....
Appellant.
.....

:

Ex parte Cleio Hull,

Petitioner.

—, Original.

A rule is ordered to issue, returnable Monday, February 3 next, requiring the Respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex parte Clarence Kelly,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Fried,

Petitioner,

538 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Fried,

Petitioner,

538 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Locke Miller,

Petitioner,

545 vs.

Michael J. Kirwan.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Locke Miller,

Petitioner,

545 vs.

Michael J. Kirwan.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Vivion Bell,

Petitioner,

438 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Vivion Bell,

Petitioner,

438 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel R. Toucey,

Petitioner,

587 vs.

New York Life Insurance Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Samuel R. Toucey,

Petitioner,

587 vs.

New York Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

616 vs.

Leamon Resler and Leamon Resler, Doing Business as Resler Truck Line and as Brady Truck Line.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

618 vs.

Patrick B. Classic, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Hudson & Manhattan Railroad Company,

Appellant,

628 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

M. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

603 vs.

Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fred O. Lowe,

Petitioner,

596 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied without prejudice to an application to the District Court to reduce the fines to an amount allowed by statute.

Per Mr. Chief Justice Hughes.

Harvard State Bank,

Petitioner,

598 vs.

The Baltimore and Ohio Railroad Company, et al.; and

Harvard State Bank,

Petitioner,

599 vs.

The Baltimore and Ohio Railroad Company, et al.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for writ of certiorari herein be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this motion.

Harvard State Bank,

Petitioner,

598 vs.

The Baltimore and Ohio Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Harvard State Bank,

Petitioner,

599 vs.

The Baltimore and Ohio Railroad Company, et al.

On petition for writ of certiorari to the District Court of the United States for the District of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the District of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Milton M. Young and Melissa E. Young,

Petitioners,

580 vs.

County of Ventura.

On petition for writ of certiorari to the District Court of Appeals of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeals of the State of California, 2nd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. A. Newhouse, J. R. Mason and Mary E. Morris,

Petitioners,

589 vs.

Corcoran Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific National Bank of San Francisco,

Petitioner,

591 vs.

Merced Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Street & Smith Publications, Inc.,

Petitioner,

592 vs.

Daniel A. Blair, Judge of the District Court of Lubbock County, Texas, 72nd Judicial District, et al.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Stern,

Petitioner,

593 vs.

William Gillman, Jack Gillman and Laszlo Wenczel, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John D. Glass,

Petitioner,

595 vs.

Harold L. Ickes.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bituminous Coal Producers Board for District No. 8,

Petitioner,

638 vs.

Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Minnesota,

Petitioner,

539 vs.

Duluth Missabe and Northern Railway Company and Duluth Missabe and Iron Range Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Minnesota, Petitioner, vs. The Duluth and Iron Range Railroad Company and Duluth, Missabe and Iron Range Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

540

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Minnesota, Petitioner, vs. Spirit Lake Transfer Railway Company and Duluth, Missabe and Iron Range Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

541

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Minnesota, Petitioner, vs. Oliver Iron Mining Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

542

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Minnesota,

Petitioner,

543 vs.

Proctor Water and Light Company.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Utley,

Petitioner,

590 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Texas Company,

Petitioner,

597 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Lumbermens Mutual Casualty Company of Illinois,

Petitioner,

607 vs.

Elizabeth Sutcliffe, as Administratrix De Bonis Non of the Goods, Chattels and Credits Which Were of Margaret Sutcliffe, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Edward Quinn,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity Union Trust Company, et al.,

Petitioners,

32 vs.

Ethel Adelaide Field.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Six Companies of California, Hartford Accident and Indemnity Company, et al.,

Petitioners,

267 vs.

Joint Highway District No. 13 of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Complainant,

—, Original vs.

The State of Alabama.

Return to the rule to show cause presented.

Ex parte Fred J. Becker,

Petitioner.

—, Original.

Return to the rule to show cause presented.

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Federal Trade Commission,

Petitioner,

85 vs.

Bunte Brothers, Inc.

Argued by Mr. Hugh B. Cox for the Petitioner and by Mr. Theodore E. Rein for the Respondent.

Carol Harriman Stewart,

Appellant,

86 vs.

Commonwealth of Pennsylvania.

Argued by Mr. Charles I. Thompson for the Appellant and by Mr. E. Russell Shockley for the Appellee.

Florence Guggenheim,

Petitioner,

92 vs.

Almon Q. Rasquin, Individually and as United States Collector of Internal Revenue for the First District of New York.

Motion to substitute party respondent submitted by Mr. John G. Jackson, Jr., for the Petitioner.

Florence Guggenheim,

Petitioner,

92 vs.

Almon Q. Rasquin, Individually and as United States Collector of Internal Revenue for the First District of New York.

The suggestion of the death of Almon Q. Rasquin and the appointment of Martha E. Rasquin as Administratrix of the Estate of Almon Q. Rasquin having been made,

It is, on motion of counsel for the petitioner, ordered by this Court that Martha E. Rasquin, as Administratrix of the Estate of Almon Q. Rasquin, Deceased, be substituted and made the party Respondent in this case and that the case be so continued and maintained.

Per Mr. Chief Justice Hughes.

Florence Guggenheim,

Petitioner,

92 vs.

Martha E. Rasquin, Administratrix, etc.

Argument commenced by Mr. John G. Jackson, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 7, 1941.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Anne X. Alpern, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Robert H. Davison, It is ordered that

Oscar W. Haussermann, Esquire, of Boston,
State of Massachusetts; and

James N. Clark, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that Howard B. Crittenden, Jr., Esquire, of Tracy, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Sullivan, It is ordered that Sam Houston, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ambrose E. Kountz, It is ordered that

Lewis M. Alpern, Esquire, of Pittsburgh,
State of Pennsylvania; and

Leon Wald, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Seifert, It is ordered that

J. Henry O'Neill, Esquire, of Pittsburgh,
State of Pennsylvania; and

Richard W. Ahlers, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Philadelphia Company and
Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, et al.; and

Philadelphia Company and
Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, et al.

Motion for leave to intervene by W. D. George, Thomas M. Benner and Thomas Fitzgerald, Trustees of Pittsburgh Railways Company, Debtor, and of Pittsburgh Motor Coach Company, Subsidiary, submitted by Mr. J. Henry O'Neill.

Philadelphia Company and
Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, et al.; and

Philadelphia Company and
Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, et al.

ON CONSIDERATION of the motion on behalf of W. D. George, Thomas M. Benner, and Thomas Fitzgerald, Trustees of Pittsburgh Railways Company, Debtor, and of Pittsburgh Motor Coach Company, Subsidiary, for leave to intervene and become parties of record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

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Florence Guggenheim,

Petitioner,

92 vs.

Martha E. Rasquin, Administratrix, etc.

Argument continued by Mr. John G. Jackson, Jr., for the Petitioner and concluded by Mr. J. Louis Monarch for the Respondent.

Leave granted Petitioner to file a reply brief within one week.

Madeleine D. Powers,

Petitioner,

486 vs.

Commissioner of Internal Revenue.

Argued by Mr. Ralph G. Boyd for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

The United States of America,

Petitioner,

494 vs.

Joseph T. Ryerson, et al.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. William N. Haddad for the Respondents.

The United States,

Petitioner,

393 vs.

Arthur Pelzer.

Argued by Mr. Solicitor General Biddle for the Petitioner and by Mr. Robert A. Littleton for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Lowell M. Greenlaw, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

419 vs.

Mary M. Hutchings.

Argued by Mr. Solicitor General Biddle for the Petitioner and by Mr. Rupert R. Harkrider and Mr. T. W. Lain for the Respondent.

Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors, etc.,

Petitioners,

495 vs.

The United States of America.

Argued by Mr. William N. Haddad for the Petitioners and by Mr. Solicitor General Biddle for the Respondent.

Howard S. Palmer, et al., Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,

Petitioners,

120 vs.

Webster and Atlas National Bank of Boston, Trustee.

Argued by Mr. Hermon J. Wells for the Petitioners; by Mr. Robert H. Davison for the Respondent; and by Mr. Robert H. Hopkins for the City of Boston as amicus curiae, by special leave of Court.

Philadelphia Company and Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, et al.; and

Philadelphia Company and Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, et al.

Argument commenced by Mr. W. A. Seifert for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Josh Lee, It is ordered that Morris L. Bradford, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert S. Marx, It is ordered that Edward M. Brown, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Philadelphia Company and
Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, et al.; and

Philadelphia Company and
Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, et al.

Argument continued by Mr. W. A. Seifert for the Petitioners; by Miss Anne X. Alpern and Mr. A. E. Kountz for the Respondents; and concluded by Mr. W. A. Seifert for the Petitioners.

The United States,

Appellant,

191 vs.

Kate B. Goltra and E. Field Goltra, Jr., Executors, etc.; and

Kate B. Goltra and E. Field Goltra, Jr., Executors, etc.,

Appellants,

192 vs.

The United States.

Argued by Mr. Herman J. Galloway and Mr. Frederick W. P. Lorenzen for Kate B. Goltra and E. Field Goltra, Jr., Executors, and by Mr. Assistant Solicitor General Fahy for the United States.

Maryland Casualty Company,

Petitioner,

194 vs.

Pacific Coal & Oil Company and Joe Orteca.

Argued by Mr. Parker Fulton for the Petitioner.

No appearance for the Respondents.

Guy T. Helvering, Commissioner of
Internal Revenue,

Petitioner,

237 vs.

Edyth LeGierse and Bankers Trust
Company, as Executors, etc.

Argument commenced by Mr. Assistant Attorney General Clark for the Petitioner and continued by Mr. Frederick O. McKenzie for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that A. Foy Curry, Jr., Esquire, of Tulia, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that Walter H. Domzalski, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Jacobi, It is ordered that Joseph Rosenblatt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

237 vs.

Edyth LeGierse and Bankers Trust Company, as Executors, etc.

Argument continued by Mr. Frederick O. McKenzie for the Respondents and concluded by Mr. Assistant Attorney General Clark for the Petitioner.

Estate of Anna M. Keller, et al.,
Petitioners,
371 vs.
Commissioner of Internal Revenue.

Argued by Mr. Ferdinand T. Weil for the Petitioner and by Mr. Assistant Attorney General Clark for the Respondent.

The United States of America,
Appellant,
245 vs.
J. W. Gilliland, et al.

Argued by Mr. Herbert Wechsler for the Appellant and by Mr. F. W. Fischer for the Appellees.

Reconstruction Finance Corporation,
Petitioner,
200 vs.
J. G. Menihan Corporation, et al.

Argued by Mr. Clifford J. Durr for the Petitioner and by Mr. Arthur E. Sutherland, Jr., for the Respondents.

Eugene Higgins,

Petitioner,

253 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Selden Bacon for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Warren R. Austin, It is ordered that Ernest W. Gibson, Jr., Esquire, of Brattleboro, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer B. Wolf, It is ordered that Barney B. Fensterstock, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Graham Gamble, It is ordered that Bert L. Klooster, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Ingebretsen, It is ordered that Donald P. Mayhew, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum. It is ordered that

Philip Strome, Esquire, of Salem,
State of Massachusetts; and

Henry Freidman, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States,
Petitioner,
188 vs.
Cowden Manufacturing Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to dismiss the petition.

Per Mr. Justice Murphy.

Mikhail Nicholas Gorin,
Petitioner,
87 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be,

and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Hafis Salich, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

88

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Hertha J. Sibbach, Petitioner, vs. Wilson & Company, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

28

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in con-

formity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

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The Chief Justice announced the following orders of the Court:

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Carol Harriman Stewart,

Appellant,

86 vs.

Commonwealth of Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Roberts.

Manufacturers Trust Company, Newman & Bisco, City Bank Farmers Trust Co., et al.,

Petitioners,

210 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Manufacturers Trust Company, Newman & Bisco, City Bank Farmers Trust Co., et al.,

Petitioners,

210 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeals in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Edward Endelman and Jacob A. Freedman,

Petitioners,

211 vs.

Prudence-Bonds Corporation and Reconstruction Finance Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward Endelman and Jacob A. Freedman,

Petitioners,

211- vs.

Prudence-Bonds Corporation and Reconstruction Finance Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Charles H. Kelby, as Trustee of New York Investors, Inc.,

Petitioner,

214 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Charles H. Kelby, as Trustee of New York Investors, Inc.,

Petitioner,

214 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Prudence Realization Corporation,

Petitioner,

259 vs.

Prudence-Bonds Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Prudence Realization Corporation,

Petitioner,

259 vs.

Prudence-Bonds Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Alfred T. Davison,

Petitioner,

273 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Alfred T. Davison,

Petitioner,

273 vs.

Prudence Securities Advisory Group, Independent Prudence Bondholders Committee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Robert N. Denham,

Petitioner,

284 vs.

Munson Line Incorporated.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Robert N. Denham,
Petitioner,
vs.
Munson Line, Incorporated.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

284

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte John J. Sheridan,
Petitioner.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Chester W. Campbell,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte R. Gordon Whitman,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Herbert A. Burgtorf,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Fred J. Becker,
Petitioner.
—, Original.

On motion for leave to file petition for writ of habeas corpus and on rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus and the return to the rule to show cause;

IT IS ORDERED by this Court that the rule to show cause be discharged and that the motion for leave to file the petition for writ of habeas corpus, be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Stewart,

Petitioner,

498 vs.

James A. Johnston.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. L. Stewart,

Petitioner,

498 vs.

James A. Johnston.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte J. L. Stewart,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bennie Valenta Scott,

Petitioner,

609 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bennie Valenta Scott,

Petitioner,

609 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America and Secretary of Agriculture,

Appellants,

640 vs.

F. O. Morgan, Doing Business as F. O. Morgan Sheep Commission Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America and
Secretary of Agriculture,

Appellants,

640 vs.

F. O. Morgan, Doing Business as F.
O. Morgan Sheep Commission Company,
et al.

ON CONSIDERATION of the motion to substitute Claude R. Wickard, present Secretary of Agriculture, as a party Appellant in the place and stead of Henry A. Wallace, former Secretary of Agriculture, and to substitute Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, Deceased, as a party Appellee in the place and stead of F. O. Morgan, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Paul W. Sampsell, as Trustee in Bankruptcy for the Estate of Wilbur J. Downey, Also Known as W. J. Downey,

Petitioner,

Order allowing certiorari.

601 vs.

Imperial Paper and Color Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Phelps Dodge Corporation,

Petitioner,

Order allowing certiorari.

387 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

641 vs.

Phelps Dodge Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Laura S. K. Slocum, A. Cohn and Merwin M. Hart,

Petitioners,

620 vs.

First National Bank of Chicago, John C. Meiners and John C. Partridge, etc., et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black and Mr. Justice Douglas took no part in the consideration and decision of this application.

The Dravo Contracting Company,

Petitioner,

622 vs.

Ernest K. James, as an Individual and as State Tax Commissioner of the State of West Virginia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Sunshine Mining Company,

Petitioner,

352 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Miriam G. Hostetter,

Petitioner,

563 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Squire Neal,

Petitioner,

582 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. D. Chalk, Commissioner, Division of Game and Inland Fisheries, Department of Conservation and Development, State of North Carolina, et al.,

Petitioners,

602 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States National Bank of San Diego, et al.,

Petitioners,

604 vs.

County of San Diego and Crowell D. Eddy, as Assessor of San Diego County.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Viking Pump Company,
Petitioner,
606 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stewart Die Casting Corporation,
Petitioner,
615 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commissioner of Corporations and Taxation,
Petitioner,
630 vs.
Edward H. Flaherty.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The H. W. Gossard Co.,

Petitioner,

644 vs.

Loeber's, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

51 vs.

The Union Central Life Insurance Company, et al.

ON CONSIDERATION of the motion of Petitioner for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

51 vs.

The Union Central Life Insurance Company, et al.

A petition of petitioner for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

51 vs.

The Union Central Life Insurance Company, et al.

A petition of Union Central Life Insurance Company for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

47 vs.

F. W. Woolworth Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

46 vs.

J. C. Penney Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Wisconsin and Elmer E. Barlow, as Commissioner, etc.,

Petitioners,

48 vs.

Minnesota Mining and Manufacturing Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry L. Lynch,

Petitioner,

468 vs.

The Superior Court of Los Angeles County.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl F. Kortepeter,

Petitioner,

532 vs.

The United States of America.

Gurney G. Derbyshire,

Petitioner,

533 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph C. Lenihan, et al.,

Petitioners,

553 vs.

The Tri-State Telephone and Telegraph Company, et al.

A petition for rehearing having been filed in this case by Joseph C. Lenihan and Joseph P. Kilroy,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph C. Lenihan, et al.,

Petitioners,

553 vs.

The Tri-State Telephone and Telegraph Company, et al.

A petition for rehearing having been filed in this case by the City of St. Paul,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, January 20, until Monday, February 3, next.

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Bethlehem Shipbuilding Corporation and Bethlehem Steel Company,

Petitioners,

583 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

It appearing to the Court that counsel for the Petitioners has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Eugene Higgins,

Petitioner,

253 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Selden Bacon for the Petitioner; by Mr. Arnold Raum for the Respondent; and concluded by Mr. Selden Bacon for the Petitioner.

Weightstill Woods, Court Trustee,

Petitioner,

281 vs.

City National Bank and Trust Co. of Chicago, et al.; and

Weightstill Woods, Court Trustee,

Petitioner,

282 vs.

City National Bank and Trust Co. of Chicago, et al.

Argued by Mr. Weightstill Woods for the Petitioner and by Mr. Vincent O'Brien for the Respondents.

Huron Holding Corporation, et al.,

Petitioners,

212 vs.

Lincoln Mine Operating Company.

Argued by Mr. Leonard G. Bisco for the Petitioners and case submitted by Mr. D. Worth Clark and Mr. William H. Langroise for the Respondent.

Louis E. Roddewig, as Chairman,
etc., et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.; and

Louis E. Roddewig, as Chairman,
etc., et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Incorporated.

Motion to substitute parties petitioners submitted by Mr. John E. Mulroney for the Petitioners.

Louis E. Roddewig, as Chairman of
the Iowa State Board of Assessment
and Review, etc., et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.

Louis E. Roddewig, as Chairman of
the Iowa State Board of Assessment
and Review, etc., et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Incorporated.

ON CONSIDERATION of the motion of counsel for the Petitioners to substitute the State Tax Commission and Fred W. Nelson, present Chairman of the State Tax Commission, as parties petitioner in these cases in the place and stead of Iowa State Board of Assessment and Review and Louis E. Roddewig,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the causes be so continued and maintained.

Per Mr. Chief Justice Hughes.

Fred W. Nelson, as Chairman,
etc., et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.; and

Fred W. Nelson, as Chairman,
etc., et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Incorporated.

Argument commenced by Mr. John E. Mulroney for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Carl H. Willingham, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Dudley, It is ordered that Duke Duvall, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randell S. Cobb, It is ordered that Thomas Garrett Logan, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Talbot McElvenny, It is ordered that L. Thomas Rice, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus Gilbert Poole, It is ordered that

Jacob D. Hyman, Esquire, of New York,
State of New York; and

Louis Sherman, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rolland Lee Nutt, It is ordered that Thomas Joseph Ryle, Esquire, of Stamford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald C. Beelar, It is ordered that Jack J. Miller, Esquire, of Stockton, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. B. Schwartz, It is ordered that Alfred B. Teton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ex parte Joseph J. McCarthy,

Petitioner.

Application submitted by Mr. Joseph J. McCarthy, pro se.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

205 vs.

Gerald A. Eubank.

Motion for extension of time within which to file petition for rehearing submitted by Mr. Harry H. Semmes in behalf of counsel for Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

205 vs.

Gerald A. Eubank.

ON CONSIDERATION of the motion in behalf of counsel for the Respondent to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including January 21, next.

Per Mr. Chief Justice Hughes.

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Fred W. Nelson, as Chairman, etc.,
et al.,

Petitioners,

255 vs.

Sears Roebuck and Co.; and

Fred W. Nelson, as Chairman, etc.,
et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Incorporated.

Argument continued by Mr. John E. Mulroney for the Petitioners; by Mr. Joseph G. Gamble for the Respondent in No. 255; by Mr. Stuart S. Ball for the Respondent in No. 256; and concluded by Mr. John E. Mulroney for the Petitioners.

Armour and Company,

Petitioner,

293 vs.

The Alton Railroad Company, et al.

Argued by Mr. Paul E. Blanchard for the Petitioner and by Mr. Douglas F. Smith for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Mack Taylor, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray W. Nedrow, It is ordered that Clarence S. Beck, Esquire, of North Platte, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Shields, It is ordered that Wayland K. Sullivan, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Everett Ault Evans, alias Everett A. Troglin, etc.,

Petitioner,

315 vs.

The United States of America.

Stipulation of counsel for the entry of judgment and for the immediate issuance of the mandate presented.

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Jack Walker,

Petitioner,

173 vs.

James A. Johnston, Warden, etc.

Argued by Mr. Charles E. Wyzanski, Jr., for the Petitioner and by Mr. Herbert Wechsler for the Respondent.

Leon C. Phillips, Individually and as Governor of the State of Oklahoma, et al., etc.,

Appellants,

201 vs.

The United States of America, et al.

Argument commenced by Mr. John B. Dudley for the Appellants; continued by Mr. Assistant Attorney General Shea for the Appellees; and concluded by Mr. Randell S. Cobb for the Appellants.

Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

Argument commenced by Mr. Joseph G. Gamble for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that J. Jerome Kaplon, Esquire, of Summit, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that M. Carlisle Farber, Esquire, of Marshalltown, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that Paul McLennan Roca, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that Enrique Campos del Toro, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L.

Quinn, It is ordered that Juan Enrique Geigel, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Willis, It is ordered that Hugh M. Foster, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Cahill, It is ordered that Robert L. Werner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

Argument continued by Mr. Joseph G. Gamble for the Petitioner and concluded by Mr. Edward R. Johnston for the Respondent.

Earl Russell Browder,

Petitioner,

287 vs.

The United States of America.

Argued by Mr. Carl S. Stern for the Petitioner and by Mr. John T. Cahill for the Respondent.

Leave granted petitioner to file a reply brief by Monday next.

Melwel Warszower, alias "Robert William Wiener," etc.,

Petitioner,

338 vs.

The United States of America.

Argument commenced by Mr. Osmond K. Fraenkel for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 17, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. August H. Andresen, It is ordered that Floyd V. Nichols, Esquire, of Albert Lea, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred B. Gernerd, It is ordered that

Henry B. Friedman, Esquire, of Allentown, State of Pennsylvania; and

David Getz, Esquire, of Allentown, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Richter, It is ordered that Lowell M. Birrell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren W. Grimes, It is ordered that Arthur M. Gee, Esquire, of Findlay, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Leahy, it is ordered that John J. Wilson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Welwel Warszower, alias "Robert William Wiener," etc.,

Petitioner,

338 vs.

The United States of America.

Argument continued by Mr. Osmond K. Fraenkel for the Petitioner; by Mr. John T. Cahill for the Respondent; and concluded by Mr. Osmond K. Fraenkel for the Petitioner.

Albert Smith,

Petitioner,

364 vs.

Joseph O'Grady, Warden, etc.

Argued by Mr. William L. Marbury, Jr., for the Petitioner and by Mr. Clarence S. Beck for the Respondent.

Leave granted Respondent to file an additional brief within two weeks.

Howard E. Breisch,

Petitioner,

384 vs.

Central Railroad of New Jersey.

Argued by Mr. Fred B. Gernerd for the Petitioner and by Mr. Henry B. Friedman for the Respondent.

A. F. Rawlings, Receiver, etc.,

Petitioner,

327 vs.

Mrs. Ella M. Ray.

Argued by Mr. George P. Barse for the Petitioner and case submitted by Mr. Earl King for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. E. Eugene Cox, It is ordered that G. Maynard Smith, Esquire, of Cairo, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Bob Bailey, Esquire, of Russellville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Warren Moore, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Irving Garnitz, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen W. Guillion, It is ordered that Angela C. O'Brien, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Charles E. Dierker, It is ordered that O. K. Wetzel, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lewis G. Hines, Secretary of Labor and Industry of the Commonwealth of Pennsylvania, et al.,

Appellants,

22 vs.

Bernard Davidowitz and Vincenzo Travaglini.

Appeal from the District Court of the United States for the Middle District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Pennsylvania and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice McReynolds concur.

Henry J. Beal, County Attorney of Douglas County, Nebraska, et al.,

Petitioners,

72 vs.

Missouri Pacific Railroad Corporation, in Nebraska.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nebraska with instructions to dismiss

the bill of complaint.

Per Mr. Justice Stone.

The Chief Justice, Mr. Justice McReynolds, and Mr. Justice Stone are of opinion that the case should be remanded to the District Court for further proceedings.

A. C. Frost & Company,
Petitioner,
78 vs.
Coeur D'Alene Mines Corporation.

On writ of certiorari to the Supreme Court of the State of Idaho.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Idaho, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Stone concurs in the result.

Mr. Justice Douglas took no part in the consideration or decision of this cause.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Everett Ault Evans, Alias Everett A. Troglin, Alias Dutch Evans,
Petitioner,
315 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation relative to vacating the orders of the Circuit

Court of Appeals in this case denying a motion re the transcript of evidence, denying motion for extension of time to file transcript of record, denying motion to remand the cause, and dismissing the appeal; and providing for the remanding of the case to the Circuit Court of Appeals with certain directions;

ON CONSIDERATION of said stipulation, it is ordered by this Court that the orders of the Circuit Court of Appeals dismissing the appeal and denying Petitioner's motions to be furnished with a transcript of the record, for an extension of time within which to file a transcript of the record on appeal, and to remand the cause to the District Court for the purpose of permitting him to present a motion for a new trial on the ground of newly discovered evidence, be, and the same are hereby, vacated.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Circuit Court of Appeals with directions to grant the Petitioner reasonable extensions of time for the perfection of his appeal and to reconsider the motion to remand when the Court shall have before it a transcript of the evidence.

IT IS FURTHER ORDERED that the mandate in this cause be issued forthwith.

Per Mr. Chief Justice Hughes.

Ex parte Joseph J. McCarthy,

Petitioner.

ON CONSIDERATION of the application submitted herein by Joseph J. McCarthy,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Complainant,

12, Original vs.

The State of Alabama.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and process is ordered to issue returnable Monday, March 3, next.

Per Mr. Chief Justice Hughes.

John Waldon,

Petitioner,

600 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Waldon,

Petitioner,

600 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lambiris Skiriotes,

Appellant,

658 vs.

The State of Florida.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in the case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Phoenix Finance Corporation,

Petitioner,

624 vs.

Iowa-Wisconsin Bridge Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 587.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Utilities Insurance Company,

Petitioner,

625 vs.

Charles H. Potter and R. O. Burbridge.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Oklahoma is granted, limited to the first question presented by the petition for the writ; and the case is assigned for argument immediately following No. 425.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

George W. Green,

Petitioner,

626 vs.

John W. Holland, as United States District Judge for the Southern District of Florida.

ON CONSIDERATION of the motion to strike the brief of the City of Stuart in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Green,

Petitioner,

626 vs.

John W. Holland, as United States District Judge for the Southern District of Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Missouri Pacific Transportation Company and Commercial Casualty Insurance Company of Newark, New Jersey,

Petitioners,

612 vs.

J. C. George, J. H. Lookadoo and G. W. Lookadoo.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Valley Waste Mills,

Petitioner,

614 vs.

W. E. Page, Jr., and First National Bank of Atlanta, Executors of the Estate of W. E. Page.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Motors Corporation, General Motors Sales Corporation and General Motors Acceptance Corporation,

Petitioners,

619 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Levaur, Inc., Colt-Brady Company and Bradburn Motors Company,

Petitioners,

621 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Detroit Trust Company (Formerly Security Trust Company), a Michigan Corporation, Executor of the Will of Cornelia O. Curtis, Deceased,

Petitioner,

632 vs.

Fred L. Woodworth, Collector of Internal Revenue for the First District of Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

634 vs.

Albert C. Joseph, Administrator of the Estate of Wilma Winland, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mutual Benefit Health & Accident Association,

Petitioner,

643 vs.

Antonia P. Miccolis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anchor Stove & Range Company,
Petitioner,
651 vs.
Montgomery Ward & Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
12 vs.
Appalachian Electric Power Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Milliken, et al.,
Petitioners,
66 vs.
Violet L. Meyer, Both Individually and as Administratrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Fried,

Petitioner,

538 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex parte Mary M. Hughes,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

Harry R. Swanson, as Secretary of State of Nebraska, et al.,

Appellants,

312 vs.

Gene Buck, Individually, etc., et al.

Suggestion of diminution of record and motion for a writ of certiorari submitted by Mr. Thomas G. Haight, Mr. Louis D. Frohlich, and Mr. Herman Finkelstein for the Appellees.

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The Court took a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice, and the Court reconvened.

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Proclamation being made the Court is adjourned until Monday, February 3, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Martin L. Mershon, Esquire, of Miami,
State of Florida;

William O. Mehrtens, Esquire, of Miami,
State of Florida;

Eugene K. Oppenheimer, Esquire, of Portland,
State of Oregon;

David Barry Noonan, Esquire, of Portland,
State of Maine;

Paul John Carr, Esquire, of Hinton,
State of West Virginia; and

W. R. Fain, Jr., Esquire, of Clarksville,
State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cecil Clifford Rotsch, It is ordered that Cecil A. Morgan, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Chester R. Davis, Esquire, of Chicago, State

of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett W. Mattoon, It is ordered that Eugene Dungan Williams, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Munson H. Lane, It is ordered that Max Peingold, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Otto J. Emme, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ireland Graves, It is ordered that F. B. Walker, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Norma L. Comstock, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Harvey D. Jacob, It is ordered that Francis V. Keesling, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin W. Lawrence, It is ordered that Richard Clarke Smith, Esquire, of Rutland, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George

Rogers, It is ordered that Nathaniel Fensterstock, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer S. Cummings, It is ordered that David J. Levy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"On February 1, 1941, Mr. Justice James Clark McReynolds retired from active service as Associate Justice of this Court. Forthright, independent, maintaining with strength and tenacity of conviction, his conceptions of constitutional right, he has served with distinction upon this bench for upward of twenty-six years and has left a deep impress upon the jurisprudence of the Court. It is hoped that, relieved of the burden of active service, he will long enjoy his accustomed vigor of body and mind."

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Maryland Casualty Company, Petitioner, vs. Pacific Coal & Oil Company, and Joe Orteca.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

194

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Black did not participate in the consideration or decision of this case.

Florence Guggenheim,

Petitioner,

92 vs.

Martha E. Rasquin, Administratrix of the Estate of Almon Q. Rasquin, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Douglas.

Madeleine D. Powers,

Petitioner,

486 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

The United States of America,

Petitioner,

494 vs.

Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors of the Estate of Mary M. Ryerson.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Weightstill Woods, Court Trustee, Petitioner,
281 vs.
City National Bank and Trust Company of Chicago, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Weightstill Woods, Court Trustee, Petitioner,
282 vs.
City National Bank and Trust Company of Chicago, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

The United States of America,

Appellant,

43 vs.

William L. Hutcheson, George Casper Ottens, John A. Callahan, and Joseph August Klein.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy took no part in the disposition of this case.

Concurring opinion by Mr. Justice Stone.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Leon C. Phillips, Individually and as Governor of the State of Oklahoma, Mac Q. Williamson, Individually and as Attorney General of the State of Oklahoma, et al., etc.,

Appellants,

201 vs.

The United States of America, Grand River Dam Authority, Ray McNaughton, et al., etc.

Appeal from the District Court of the United States for the Northern District of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said District Court so that it may enter a fresh decree from which appellants may, if they wish, perfect a timely appeal to the Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

The United States, Appellant, vs. Kate B. Goltra and E. Field Goltra, Jr., Executors of the Estate of Edward F. Goltra, Deceased. — Appeal from the Court of Claims.

191

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the Court of Claims brought up for review on the appeal of the United States be, and the same is hereby, modified as indicated in the opinion of this Court and, as modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

The Chief Justice and Mr. Justice Black took no part in the consideration and decision of this appeal.

Kate B. Goltra and E. Field Goltra, Jr., Executors of the Estate of Edward F. Goltra, Deceased, Appellants, vs. The United States. — Appeal from the Court of Claims.

192

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the Court of Claims brought up for review on the appeal of Kate B. Goltra and E. Field Goltra, Jr., be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

The Chief Justice and Mr. Justice Black took no part in the consideration and decision of this appeal.

Eugene Higgins,

Petitioner,

253 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Superior Bath House Company,

Appellant,

180 vs.

Z. M. McCarroll, Commissioner of Revenues for the State of Arkansas.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Stone in which Mr. Justice Roberts joins.

Mr. Justice Frankfurter while agreeing with the Court's opinion also agrees with the view expressed in the opinion of Mr. Justice Stone.

Huron Holding Corporation and National Surety Corporation,

Petitioners,

212 vs.

Lincoln Mine Operating Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgments of the District Court, in this cause, be, and the same are hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Idaho.

Per Mr. Justice Black.

Armour and Company,

Petitioner,

293 vs.

The Alton Railroad Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Black.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees of the Property of the New York, New Haven and Hartford Railroad Company, Debtor,

Petitioners,

120 vs.

Webster and Atlas National Bank of Boston, Trustee.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut.

Per Mr. Justice Roberts.

Philadelphia Company and Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, James P. McArdle, Ben Paul Brasley and Thomas J. Hoffman, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Roberts.

Philadelphia Company and Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, James P. McArdle, Ben Paul Brasley and Thomas J. Hoffman, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Roberts.

The United States of America,

Appellant,

82 vs.

F. W. Darby Lumber Company and Fred W. Darby.

Appeal from the District Court of the United States for the Southern District of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Opp Cotton Mills, Inc., et al.,
Petitioners,
330 vs.
Administrator of the Wage and Hour Division of the Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Reconstruction Finance Corporation,
Petitioner,
200 vs.
J. G. Menihan Corporation, J. G. Menihan, Sr., and J. G. Menihan, Jr.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

The United States of America,
Appellant,
245 vs.
J. W. Gilliland, Ralph Gilliland, Fred A. Williams, et al.

Appeal from the District Court of the United States for the Eastern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Eastern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court sustaining the demurrer to counts 2 to 11, inclusive, of the indictment in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this case.

A. F. Rawlings, Receiver of the Lee County National Bank, Marianna, Arkansas,

Petitioner,

327 vs.

Mrs. Ella M. Ray.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Arkansas for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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State of Ohio, ex rel. S. H. Squire, etc., Superintendent of Banks in Charge of the Liquidation of the Guardian Trust Company,

Appellant,

689 vs.

Minnie N. Brown, Aetna Life Insurance Company, et al.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1940.

[February 3, 1941.]

IT IS ORDERED:

1. Pursuant to the Act of June 29, 1940 (Public No 675—76th Congress), the Court will undertake the preparation of rules of pleading, practice and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States.

2. To assist the Court in this undertaking, the Court appoints the following Advisory Committee to serve without compensation:

Arthur T. Vanderbilt, Newark, New Jersey, Chairman.
James J. Robinson, Professor of Law at the Indiana University Law School, Reporter.
Alexander Holtzoff, Washington, D. C., Secretary.
Newman F. Baker, Professor of Law at the Northwestern University Law School.
George James Burke, Ann Arbor, Michigan.
John J. Burns, Boston, Massachusetts.
Frederick E. Crane, New York City.
Gordon Dean, Washington, D. C.
George H. Dession, Professor of Law at the Yale Law School.
Sheldon Glueck, Professor of Law at the Harvard Law School.
George Z. Medalie, New York City.
Lester B. Orfield, Professor of Law at the University of Nebraska Law School.
Murray Seasongood, Cincinnati, Ohio.
J. O. Seth, Santa Fe, New Mexico.
John B. Waite, Professor of Law at the University of Michigan Law School.
Herbert Wechsler, Professor of Law at the Columbia Law School.
G. Aaron Youngquist, Minneapolis, Minnesota.

State of Ohio, ex rel. S. H. Squire, etc., Superintendent of Banks in Charge of the Liquidation of the Guardian Trust Company,

Appellant,

689 vs.

Minnie N. Brown, Aetna Life Insurance Company, et al.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard o from the Supreme Court of the State of Ohio, an firm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is that the motion to dismiss the appeal herein be granted.

AND IT IS FURTHER ORDERED that t same is hereby, dismissed for the want of a pro tion.

Per

3. It shall be the duty of the Advisory Committee, subject to the instructions of the Court, to prepare and submit to the Court a draft of rules as above described.

4. During the recess of the Court the Chief Justice is authorized to fill any vacancy in the Advisory Committee which may occur through failure to accept appointment, resignation, or otherwise.

5. The Advisory Committee shall at all times be directly responsible to the Court. The Committee shall not incur expense or make any financial commitments except upon the approval of the Court as certified by the Chief Justice or upon his order during a recess of the Court.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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State of Kansas,

Complainant,

11, Original vs.

State of Missouri.

Honorable Dean G. Acheson, having accepted appointment as Assistant Secretary of State of the United States, has resigned as Special Master in this case and his resignation has been accepted.

Per Mr. Chief Justice Hughes.

Joseph Poresky,

Petitioner,

—— vs.

Joseph E. Ely.

ON CONSIDERATION of the motion for leave to file and of the application submitted herein by Joseph Poresky,

IT IS ORDERED by this Court that the motion for leave to file be, and the same is hereby, granted, and that the application herein be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank E. Stoehr,

Petitioner,

—— vs.

The State of Minnesota.

ON CONSIDERATION of the application submitted herein by Frank E. Stoehr,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Bernard L. Swirsky,
Petitioner.

The motion to direct the Clerk to amend the roll of attorneys to show the change of name of Bernard L. Swirsky to "Bernard L. Swerland" is granted.

Per Mr. Chief Justice Hughes.

Ex parte Joseph F. Koleg,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte C. E. Phillips,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte J. B. King,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Orville Chester Garrison,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Mary M. Hughes,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret Conway,

Petitioner,

344 vs.

George H. O'Brien.

ON CONSIDERATION of the motion of Respondent to dismiss the writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Henry Odom,

Petitioner,

579 vs.

A. C. Aderhold, Warden, United States Penitentiary Annex, Fort Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Henry Odom,

Petitioner,

579 vs.

A. C. Aderhold, Warden, United States Penitentiary Annex, Fort Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

608 vs.

Board of Governors of Washington
State Bar Association.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

608 vs.

Board of Governors of Washington
State Bar Association.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Virgil C. Crites,

Petitioner,

642 vs.

Albert A. Radtke, Leonard Day,
Thomas J. Martin, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Virgil C. Crites,

Petitioner,

642 vs.

Albert A. Radtke, Leonard Day, Thomas J. Martin, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emeline Monfils, Administratrix of the Estate of Joseph T. Monfils, Jr., Deceased,

Petitioner,

645 vs.

W. L. Hazelwood and G. N. Dickens, Trading as H. D. Transfer Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emeline Monfils, Administratrix of the Estate of Joseph T. Monfils, Jr., Deceased,

Petitioner,

645 vs.

W. L. Hazelwood and G. N. Dickens, Trading as H. D. Transfer Company.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Weld and Lorine Kinz,

Petitioners,

635 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Weld and Lorine Kinz,

Petitioners,

635 vs.

The People of the State of California.

On petition for writ of certiorari to the Superior Court of the State of California, County of Alameda.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of California, County of Alameda, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Lovvorn,

Petitioner,

565 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James A. Lovvorn,

Petitioner,

565 vs.

James A. Johnston, Warden,
United States Penitentiary,
Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Steve Kmecak,

Petitioner,

664 vs.

Warden William Hunt, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Steve Kmecak,

Petitioner,

664 vs.

Warden William Hunt, Attica,
New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry R. Swanson, et als.,

Appellants,

312 vs.

Gene Buck, et als., Appellees.

Pursuant to paragraph (c) of Rule 75 of the Rules of Civil Procedure and without prejudice to the future application of paragraph (e) of Rule 75, the motion of the Appellees for a writ of certiorari to correct a diminution of the record is granted with respect to items 1 to 57 inclusive. The motion is also granted with respect to items 58 to 62 inclusive so far as the certification of docket entries and designations is concerned, which, however, are to be dispensed with in printing.

Per Mr. Chief Justice Hughes.

Caskey Baking Company, Inc.,

Appellant,

676 vs.

Commonwealth of Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

George C. Reitz,

Appellant,

686 vs.

Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Sterling P. Harris, Administrator
of the Estate of Anna L. Harris,
Deceased,

Petitioner,

629 vs.

Zion's Saving Bank and Trust Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Utah is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Department of Treasury of the
State of Indiana, et al., etc.,

Petitioners,

654 vs.

The Wood Preserving Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Department of Treasury of the
State of Indiana, et al., etc.,

Petitioners,

655 vs.

Ingram-Richardson Manufacturing
Company of Indiana, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Detrola Radio and Television Corporation,

Petitioner,

666 vs.

Hazeltine Corporation,

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Isidore H. Schweidel,

Petitioner,

636 vs.

Lehigh Valley Railroad Company, Lehigh Valley Railway Company, et al.

On petition for writ of certiorari to the District Court of the United States for the Eastern District of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Eastern District of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Meyer Abrams,

Petitioner,

637 vs.

Lehigh Valley Railroad Company, et al.

On petition for writ of certiorari to the District Court of the United States for the Eastern District of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Eastern District of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

William J. Brennan,

Petitioner,

657 vs.

The Baltimore and Ohio Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black is of the opinion that the petition for certiorari should be granted.

Michael Pecoraro and Sam Gross,

Petitioners,

633 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Stern, et al., Committee of Wage Earners of Debtor,

Petitioners,

639 vs.

Pennsylvania Central Brewing Co., Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martha H. Olin, as Administratrix of the Estate of Walter G. Olin, Deceased,

Petitioner,

646 vs.

New England Life Insurance Company of Boston, Massachusetts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fuhrman & Forster Company,

Petitioner,

650 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Farmers Underwriters Association,

Petitioner,

652 vs.

Scott Carter, as Administrator of the Estate of John P. Carter, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlas Milling Company,

Petitioner,

653 vs.

Henry C. Jones, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ingram-Richardson Manufacturing Company of Indiana, Inc.,

Petitioner,

656 vs.

Department of Treasury of the State of Indiana, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Allied Bridge and Construction Company,

Petitioner,

649 vs.

Danville Sanitary District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Burley Irrigation District,

Petitioner,

660 vs.

Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert L. Wieland, A. K. A., A. L. Wieland, as Receiver,

Petitioner,

665 vs.

Harry E. Page.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peerless Equipment Company,

Petitioner,

669 vs.

W. H. Miner, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sana Laboratories, Inc., James A. Iorio and Edward James Iorio,

Petitioners,

670 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kycoga Land Company,

Petitioner,

677 vs.

Kentucky River Coal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Mary Bryan Gorham,

Petitioner,

682 vs.

Mutual Benefit Health and Accident Association of Omaha.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Guerin,

Petitioner,

703 vs.

Hazel M. Griefen.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company, Chrysler Corporation.

Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company, Chrysler Corporation.

F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

ORDERED that the opinion in these cases be amended as follows:

1. Strike from the second complete paragraph, page 2, lines 5 and 6, the phrases "one of several claims" and "which the Court sustained".

2. In line 18 of the same paragraph substitute the word "one" for the word "another".

3. In the fourth line from the bottom of page 3 insert the words "without prejudice" before the word "of".

4. Modify the third, fourth, and fifth lines from the bottom of the first complete paragraph on page 9 to read: "found the elements of the invention which it described but in which, absent the flexible webb element, it found no invention. In view of such want of invention and of the prior art the only material difference between the amended and the allowed claims is the presence in the former of the flexible webb element and, in consequence of the surrender of the former particularizing".

Per Mr. Chief Justice Hughes.

Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company,
Chrysler Corporation.

Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company,
Chrysler Corporation.

F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company,
Chrysler Corporation.

A petition for rehearing having been filed in these cases.

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company,
Chrysler Corporation.

Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company,
Chrysler Corporation.

F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company,
Chrysler Corporation.

ON CONSIDERATION of the motion of Respondents to remand these cases to the District Court with certain directions,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Floyd, Mrs. J. A. Winans,
Independent Executrix, etc., et al.,

Petitioners,

112 vs.

J. T. Eggleston, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

W. E. Floyd, Mrs. J. A. Winans, Independent Executrix, etc., et al.,

Petitioners,

112 vs.

J. T. Eggleston, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees, etc.,

Petitioners,

38 vs.

Connecticut Railway & Lighting Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lewis K. Stoner,

Petitioner,

74 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

205 vs.

Gerald A. Eubank.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James E. Blaydes, et al.,

Appellants,

399 vs.

C. H. Little & Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Locke Miller,

Petitioner,

545 vs.

Michael J. Kirwan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex parte Cleio Hull,

Petitioner.

—, Original.

Return to the rule to show cause presented.

Elton B. McFarland,

Petitioner,

504 vs.

West Coast Life Insurance Company and Anglo California Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this cause,

THEREFORE, in pursuance of said stipulation, It is ordered by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Herbert H. Maass, as Sole Surviving Executor, etc.,

Petitioner,

274 vs.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York.

Argued by Mr. Homer S. Cummings for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor, etc.,

Petitioner,

510 vs.

Commissioner of Internal Revenue; and

Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor, etc.,

Petitioner,

511 vs.

Commissioner of Internal Revenue.

Argued by Mr. Rollin Browne for the Petitioners and by Mr. Richard H. Demuth for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 4, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel Dickstein, It is ordered that Philip Sherman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Sidney S. McMath, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Heffner, It is ordered that Bernard L. Bermant, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard F. Burns, It is ordered that John Adams, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. A. McDougal, It is ordered that Heber Finch, Esquire, of Sapulpa, State of

Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Wirtz, It is ordered that Leroy G. Denman, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest K. Neumann, It is ordered that Harris K. Lyle, Esquire, of Gallup, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Calhoun, It is ordered that Kennedy Campbell Watkins, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Hugh Kemp Clark, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that David Walker Richmond, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Charles M. Trammell, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Wilson, It is ordered that W. E. Green, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benedict P.

Cottone, It is ordered that Harry M. Plotkin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene O'Dunne, Jr., It is ordered that Henry R. Bishop, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Railroad Commission of Texas,
Lon A. Smith, et al.,

Appellants,

283 vs.

The Pullman Company, Guy A. Thompson, Trustee, et al.

Argument commenced by Mr. Cecil A. Morgan for the Appellants, Cunningham, et al.; continued by Mr. Cecil C. Rotsch for Appellants, Railroad Commission of Texas, et al.; by Mr. Ireland Graves for the Appellees; and concluded by Mr. Cecil C. Rotsch for Appellants, Railroad Commission of Texas, et al.

Leroy A. Berry,

Petitioner,

336 vs.

The United States of America.

Argument commenced by Mr. Ernest W. Gibson, Jr., for the Petitioner; continued by Mr. Warner W. Gardner for the Respondent; and concluded by Mr. C. L. Dawson for the Petitioner.

Margaret Conway,

Petitioner,

344 vs.

George H. O'Brien.

Argument commenced by Mr. Paul E. Lesh for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, FEBRUARY 5, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that

Roger P. Marquis, Esquire, of New York,
State of New York;

Robert M. Vaughan, Esquire, of Glasgow,
State of Kentucky; and

Vernon L. Wilkinson, Esquire, of Okanogan,
State of Washington;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Ennalls Berl, It is ordered that Paul Leahy, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Thompson, It is ordered that

Perry E. O'Neal, Esquire, of Indianapolis,
State of Indiana; and

Patrick J. Smith, Esquire, of Indianapolis,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Hood, It is ordered that Harold B. Hood, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman I. Orentlicher, It is ordered that Frederick J. Gassert, Esquire, of Harrison, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that David A. Watts, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Anthony Sweeney, It is ordered that David Barnett, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, Jr., It is ordered that Hugh L. M. Cole, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Margaret Conway,

Petitioner,

344 vs.

George H. O'Brien.

Argument continued by Mr. Paul E. Lesh for the Petitioner and concluded by Mr. Edwin W. Lawrence for the Respondent.

E. A. Kelleam, Nell Southard, et al.,

Petitioners,

349 vs.

Maryland Casualty Company of Baltimore, Maryland, et al.

Argued by Mr. Glenn O. Young for the Petitioners; by Mr. W. E. Green for Respondent, Maryland Casualty Company of Baltimore, Maryland; and by Mr. Heber Finch for Respondents, Mrs. Ethel Riddler, et al.

Charlotte Cross Just and Anne Elise Gruner,

Petitioners,

373 vs.

Alma Chambers, as Executrix, etc.

Argument commenced by Mr. W. O. Mehrtens for the Petitioners, and continued by Mr. Raymond Parmer for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry H. Semmes, It is ordered that Roy C. Hackley, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Stewart L. Whitman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, Jr., It is ordered that Cecil C. Hamilton, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold W. Starr, It is ordered that Lowell M. Toole, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Alvin B. Hutzler, Esquire, of Richmond, State of

Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Worischek, It is ordered that Warren H. F. Schmieding, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Charlotte Cross Just and Anne Elise Gruner,

Petitioners,

373 vs.

Alma Chambers, as Executrix, etc.

Argument continued by Mr. Raymond Parmer for the Respondent and concluded by Mr. W. O. Mehrtens for the Petitioners.

Major Raymond Lisenba,

Petitioner,

133 vs.

The People of the State of California; and

Major Raymond Lisenba,

Petitioner,

134 vs.

The People of the State of California.

Argued by Mr. Morris Lavine for the Petitioner and by Mr. Everett W. Mattoon and Mr. Eugene D. Williams for the Respondent.

City of Indianapolis, et al.,

Petitioners,

421 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

City of Indianapolis, et al.,

Petitioners,

422 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

423 vs.

Citizens Gas Company of Indianapolis, et al.; and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

424 vs.

The Indianapolis Gas Company, et al.

Three hours and forty-five minutes allowed for the oral argument of these cases.

Argument commenced by Mr. Howard F. Burns for the Chase National Bank of the City of New York, Trustee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 7, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Seymour S. Guthman, It is ordered that Harold Boxer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Stein, It is ordered that Wm. A. Hyman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lowell M. Birrell, It is ordered that Charles A. Van Patten, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ward Loveless, It is ordered that Edward Hale Julien, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Toomey, It is ordered that Marion C. Toomey, of Washington, District of

Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that

William E. Crane, Esquire, of Saginaw,
State of Michigan; and

Barnaby A. Wendrow, Esquire, of Mount Pleasant,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that James Nevins Hyde, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Laurence A. Knapp, It is ordered that Charles Russell Packard, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Charles Sherwin,

Petitioner,

319 vs.

The United States of America; and

Joseph P. Sheridan,

Petitioner,

320 vs.

The United States of America.

Confession of error and motion to reverse and remand submitted by Mr. Solicitor General Biddle for the Respondent, in support of the motion, and by Mr. Charles M. Trammell, Jr., for the Petitioners, in opposition thereto.

Bennie Valenta Scott,

Petitioner,

609 vs.

The United States of America.

Motion for an extension of time within which to file petition for rehearing submitted by Mr. C. L. McGuire for the Petitioner.

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City of Indianapolis, et al.,

Petitioners,

421 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

City of Indianapolis, et al.,

Petitioners,

422 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

423 vs.

Citizens Gas Company of Indianapolis, et al.; and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

424 vs.

The Indianapolis Gas Company, et al.

Argument continued by Mr. William H. Thompson for the City of Indianapolis; by Mr. William G. Sparks for the Citizens Gas Company; by Mr. Louis B. Ewbank and Mr. William R. Higgins for the Indianapolis Gas Company; and concluded by Mr. Howard F. Burns for The Chase National Bank of the City of New York, Trustee.

Millinery Creator's Guild, Inc.,
et al.,

Petitioners,

251 vs.

Federal Trade Commission.

Argument commenced by Mr. Lowell M. Birrell for the Petitioners.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

George H. Butler, Esquire, of Silver Spring, State of Maryland;

M. Neil Andrews, Esquire, of La Fayette, State of Georgia; and

Philip Zierler, Esquire, of Brooklyn, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur Daigh Mills, It is ordered that Oscar Pendler, Esquire, of Blytheville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Barry, It is ordered that Homer H. Cowan, Esquire, of Norman, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. Henry Button, It is ordered that Theodore E. Larson, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Lura E. Turley, It is ordered that Elizabeth A. Gerber Travis, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Arthur L. Johnson, It is ordered that Carl S. Kegley, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul R. Watkins, It is ordered that Graham Lee Sterling, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Ziskind, It is ordered that A. Joseph Shapiro, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Walter B. Hamlin, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"It is with deep grief that I announce the passing on Saturday last of our brother, Mr. Justice Willis Van Devanter, who was in active service as an Associate Justice of this Court for upwards of twenty-six years. Learned in the law, he brought to this bench the special qualifications of a wide judicial experience and his service here was of exceptional distinction. He was a man of sterling character and of rare sagacity, a wise counselor and a faithful friend.

"The funeral services will be held tomorrow (Tuesday) at 2:30 o'clock in the afternoon at the Church of the Epiphany. The members of the Court will be in attendance.

"At the conclusion of the arguments in the case now being heard and in a companion case, in which counsel have come from a distance, the Court will rise and in tribute to the memory of our late brother will stand adjourned until Wednesday noon."

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Milk Wagon Drivers Union of Chicago, Local 753, a Voluntary Unincorporated Association, et al.,

Petitioners,

vs.

Meadowmoor Dairies, Inc.

On writ of certiorari to the Supreme Court of the State of Illinois.

1

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

Dissenting opinion by Mr. Justice Reed.

American Federation of Labor, John Fitzpatrick, Chicago Federation of Labor, et al.,

Petitioners,

vs.

Ross W. Swing, Irene Boivin, Nan Chapman, et al.

On writ of certiorari to the Supreme Court of the State of Illinois.

56

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is

hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Black and Mr. Justice Douglas concur in the result.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Jack Walker,

Petitioner,

173 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

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Charles Sherwin,

Petitioner,

319 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE having been called to the attention of the Court by Mr. Solicitor General Biddle, and he having confessed error and having moved the Court to reverse the judgment of the Circuit Court of Appeals in this cause;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motion to reverse be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and ADJUDGED by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the Circuit Court of Appeals with directions to consider the sufficiency of the evidence to support the verdict, and Petitioner's assignment of error with respect to the argument of the Assistant United States Attorney without regard to any technical deficiency in its phraseology.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,
Petitioner,
320 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE having been called to the attention of the Court by Mr. Solicitor General Biddle, and he having confessed error and having moved the Court to reverse the judgment of the Circuit Court of Appeals in this cause;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motion to reverse be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and ADJUDGED by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the Circuit Court of Appeals with directions to consider the sufficiency of the evidence to support the verdict, and Petitioner's assignment of error with respect to the argument of the Assistant United States Attorney without regard to any technical deficiency in its phraseology.

Per Mr. Chief Justice Hughes.

Philadelphia-Detroit Lines, Inc., Appellant,

vs.

Burr H. Simpson, Individually and as State Road Commissioner of the State of West Virginia, et al.

Appeal from the District Court of the United States for the Southern District of West Virginia.

708

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of West Virginia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED by this Court that the decree of the said District Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte William H. Lockhart, Petitioner.

13, Original.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex parte William H. Lockhart,

Petitioner.

13, Original.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte William H. Lockhart,

Petitioner.

13, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Kansas,

Complainant,

11, Original vs.

The State of Missouri.

O R D E R.

IT IS ORDERED that Samuel M. Wilson, Esquire, of Lexington, Kentucky, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court.

The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Hughes.

Hertha J. Sibbach,

Petitioner,

28 vs.

Wilson & Company, Inc.

The opinion in this case is amended by striking from the first sentence on page 7 the following words: "a litigant need not resort to the federal courts unless willing to comply with the rule, and that", and adding, after the word "comply", the words "with its provisions".

Per Mr. Chief Justice Hughes.

Hertha J. Sibbach,

Petitioner,

28 vs.

Wilson & Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Philadelphia Company and Certain Underliers,

Petitioners,

242 vs.

Walter L. Dipple, et al.

Philadelphia Company and Certain Underliers,

Petitioners,

243 vs.

Walter L. Dipple, et al.

ORDERED that the opinion in these cases be amended as follows:

In the second full sentence on page 6 of the opinion, strike out the words "the corporate identity of the companies, whose lines have gone into this system should be ignored and", and add after the word "business", and before the word "treated", the words "should be".

Per Mr. Chief Justice Hughes.

Bennie Valenta Scott,

Petitioner,

609 vs.

The United States of America.

ON CONSIDERATION of the motion for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

627 vs.

William Flaccus Oak Leather Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City Bank Farmers Trust Company, as Trustee of a Trust Under the Last Will and Testament of Angier B. Duke, Deceased, for the Benefit of Anthony Newton Duke,

Petitioner,

408 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City Bank Farmers Trust Company, as Trustee of a Trust Under the Last Will and Testament of Angier B. Duke, Deceased, for the Benefit of Angier B. Duke, Jr.,

Petitioner,

409 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guadalupe Cantu,

Petitioner,

60 vs.

The State of Texas.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Guadalupe Cantu,

Petitioner,

60 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C and C Ice Cream Company, Inc.,
Petitioner,
136 vs.
Ewing-Von Allmen Dairy Company and National Ice Cream Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Ford Motor Company,
Petitioner,
661 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

S. L. Nudelman, Director of Finance of the State of Illinois,
Petitioner,
662 vs.
Globe Varnish Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Frank G. Rath, Individually and as President of Hotel and Restaurant Employees' International Alliance, Cooks' Local Union No. 167, et al.,

Petitioners,

187 vs.

Pearl E. Crosby.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William H. Kniffin, as Trustee in Bankruptcy of C. H. Earle, Inc., Bankrupt,

Petitioner,

685 vs.

State of New York.

On petition for writ of certiorari to the Court of Claims of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Van Gilder,

Petitioner,

690 vs.

American Surety Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George S. May, d.b.a. George S. May Company,

Petitioner,

711 vs.

George V. R. Mulligan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mikhail Nicholas Gorin,

Petitioner,

87 vs.

The United States of America.

Hafis Salich,

Petitioner,

88 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

188 vs.

Cowden Manufacturing Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sunshine Mining Company,

Petitioner,

352 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. A. Newhouse, J. R. Mason, and Mary E. Morris,

Petitioners,

589 vs.

Corcoran Irrigation District.

A petition for rehearing having been filed in this case by A. A. Newhouse and Mary E. Morris,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. A. Newhouse, J. R. Mason and Mary E. Morris,

Petitioners,

589 vs.

Corcoran Irrigation District.

Pacific National Bank of San Francisco, et al.,

Petitioners,

591 vs.

Merced Irrigation District.

A petition for rehearing having been filed in these cases by J. R. Mason, in propria persona,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific National Bank of San Francisco, et al.,

Petitioners,

591 vs.

Merced Irrigation District.

A petition for rehearing having been filed in this case by the Pacific National Bank of San Francisco, et al.,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Dravo Contracting Company,

Petitioner,

622 vs.

Ernest K. James, as an Individual and as State Tax Commissioner of the State of West Virginia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, February 17, until Monday, March 3, next.

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Millinery Creator's Guild, Inc.,
et al.,

Petitioners,

251 vs.

Federal Trade Commission.

Argument continued by Mr. Solicitor General Biddle for the Respondent and concluded by Mr. Lowell M. Birrell for the Petitioners.

Fashion Originators' Guild
of America, Inc., et al.,

Petitioners,

537 vs.

Federal Trade Commission.

Argued by Mr. Charles B. Rugg for the Petitioners and by Mr. Solicitor General Biddle for the Respondent.

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Proclamation being made the Court is adjourned until Wednesday, next, at 12 o'clock.

WEDNESDAY, FEBRUARY 12, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. White, It is ordered that Nowlin Randolph, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard L. Kalish, It is ordered that Bruce B. Krost, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Kline, Jr., It is ordered that John L. Crawford, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Hiram R. Edwards,

Petitioner,

377 vs.

The United States of America.

Argued by Mr. J. Forrest McCutcheon for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, Columbia Gas and Electric Corporation, et al.; and

Panhandle Eastern Pipe Line Company,

Appellant,

269 vs.

The United States of America, Columbia Gas and Electric Corporation, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Arthur G. Logan for the Appellants and continued by Mr. Douglas M. Moffat for the Appellee, Columbia Gas and Electric Corporation; by Mr. William H. Sutton for the Appellee, Columbia Oil and Gasoline Corporation; and by Mr. Robert J. Bulkley for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas J. Jackson, It is ordered that Jacob Marker Dern, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank L. Peckham, It is ordered that Lawrence J. Eckstrom, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde T. Ellis, It is ordered that Parker Parker, Esquire, of Dardanelle, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Zebulon H. Stafford, Esquire, of Easton, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. August H. Moran, It is ordered that John Ross Lauer, Esquire, of New York, State of New

York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, Columbia Gas and Electric Corporation, et al.;

and

Panhandle Eastern Pipe Line Company,

Appellant,

269 vs.

The United States of America, Columbia Gas and Electric Corporation, et al.

Argument continued by Mr. Robert J. Bulkley for the Appellants and concluded by Mr. James H. Lee for the City of Detroit, as amicus curiae, by special leave of Court, and case submitted by Mr. Attorney General Jackson and Mr. Assistant Attorney General Arnold for the Appellee, The United States of America.

The Metropolitan Casualty Insurance Company of New York,

Petitioner,

425 vs.

Frank Stevens, et al.

Argued by Mr. Alan W. Boyd for the Petitioner; by Mr. B. A. Wendrow for Respondent, Stevens; and by Mr. William E. Crane for Respondents, Northway, et al.

Utilities Insurance Company,

Petitioner,

625 vs.

Charles H. Potter and R. O. Burbridge.

Argued by Mr. Clayton B. Pierce for the Petitioner and by Mr. John W. Barry for the Respondents.

Stanley R. Hemphill,

Petitioner,

369 vs.

The United States of America.

Argued by Mr. Thomas E. Harris for the Respondent and case submitted by Mr. Melville Monheimer for the Petitioner.

Consolidated Rock Products Co., et al.,

Petitioners,

400 vs.

E. Blois du Bois; and

F. D. Badgley, et al.,

Petitioners,

444 vs.

E. Blois du Bois.

Argument commenced by Mr. Paul R. Watkins for the Petitioners in No. 400.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 14, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that George Rosier, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that

Ralph T. French, Esquire, of Drexel Hill, State of Pennsylvania; and

Harry R. Heintzen, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that James B. Reed, Esquire, of Lonoke, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guernsey T. Cross, It is ordered that Murry Boxer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Courtney, It is ordered that Hilbert I. Trachman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Consolidated Rock Products Co., et al.,

Petitioners,

400 vs.

E. Blois du Bois; and

F. D. Badgley, et al.,

Petitioners,

444 vs.

E. Blois du Bois.

Argument continued by Mr. Paul R. Watkins for the Petitioners in No. 400; by Mr. Graham L. Sterling, Jr., for the Petitioners in No. 444; by Mr. Kenneth E. Grant for the Respondent; by Mr. Solicitor General Biddle for the Securities and Exchange Commission, as amicus curiae, by special leave of Court; and concluded by Mr. Paul R. Watkins for the Petitioners in No. 400.

National Labor Relations Board,

Petitioner,

442 vs.

Express Publishing Company.

Argued by Mr. Laurence A. Knapp for the Petitioner and by Mr. Leroy G. Denman for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, FEBRUARY 17, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Frank B. Clayton, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that Bruce Ditmas Bromley, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Herrick Bond, It is ordered that John Howley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Marvin E. Lewis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Duncan Lloyd, It is ordered that Merton John Barnard, Esquire, of Chicago,

State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Marion R. Vickers, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fred W. Nelson, as Chairman of the State Tax Commission, et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.

On writ of certiorari to the Supreme Court of the State of Iowa.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Stone took no part in the consideration or disposition of this case.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Fred W. Nelson, as Chairman of the State Tax Commission, et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Incorporated.

On writ of certiorari to the Supreme Court of the State of Iowa.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is

hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Stone took no part in the consideration or disposition of this case.

Dissenting: The Chief Justice and Mr. Justice Roberts.

E. A. Kelleam, Nell Southard, Joe E. Kelleam and Joe R. Southard, Jr.,

Petitioners,

349 vs.

Maryland Casualty Company of Baltimore, Maryland, Mrs. Ethel Riddler, Mrs. Dorothy Payne, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Federal Trade Commission,

Petitioner,

85 vs.

Bunte Brothers, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be,

and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed join.

Earl Russell Browder,

Petitioner,

287 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Welwel Warszower, Alias "Robert William Wiener", etc.,

Petitioner,

338 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Albert Smith,

Petitioner,

364 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On writ of certiorari to the Supreme Court of the State of Nebraska.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

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The United States of America,

Petitioner,

705 vs.

Harry Florian, Executor of the Last Will and Testament of Anton Florian, Deceased Beneficiary.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

705 vs.

Harry Florian, Executor of the Last Will and Testament of Anton Florian, Deceased Beneficiary.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed for want of jurisdiction in the Circuit Court of Appeals because of the absence of a final judgment in the District Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for a determination of the issues presented by the remaining counts, which the District Court by its order of June 27, 1940, as of October 23, 1939, reserved for disposition.

Per Mr. Chief Justice Hughes.

Charles C. Read, Superintendent of the New Jersey Department of Weights and Measures,

Appellant,

719 vs.

Joseph Dickerson, et al.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for a determination and appropriate findings on the questions whether the jurisdictional amount is involved and whether a case has been made for the granting of an injunction restraining criminal prosecution.

Per Mr. Chief Justice Hughes.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

On the application of the Clerk, pursuant to Section 221 of the Judicial Code,

IT IS ORDERED that HAROLD B. WILLEY be, and he hereby is, appointed a Deputy Clerk of this Court.

CHARLES E. HUGHES
Chief Justice.

Whereupon Mr. Willey took the oath of office, which is in the words and figures as follows, viz:

"I, HAROLD B. WILLEY, being appointed a Deputy Clerk of the Supreme Court of the United States, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God.

HAROLD B. WILLEY

Sworn and subscribed to before me
this 17th day of February, 1941.

CHARLES E. HUGHES
Chief Justice."

The United States of America,

Appellant,

82 vs.

F. W. Darby Lumber Company and
Fred W. Darby.

The opinion in this case is amended as follows:

12th line from the top of page 14, the following phrase is added after the word "overtime": "of 'not less than one and one-half times the regular rate' at which the worker is employed".

Per Mr. Chief Justice Hughes.

Opp Cotton Mills, Inc., et al.,

Petitioners,

330 vs.

Administrator of the Wage and Hour
Division of the Department of Labor.

The opinion in this case is amended as follows:

4th line from the top of page 14, strike the word "We" and insert the following phrase: "On the record before us, we".

Per Mr. Chief Justice Hughes.

Harry C. Kelly,

Petitioner,

190 vs.

James A. Johnston, Warden,
United States Penitentiary,
Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry C. Kelly,

Petitioner,

190 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. H. Wood and J. H. Knowlton,

Appellants,

709 vs.

T. S. Lovett, Jr.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The People of the State of California,

Petitioner,

687 vs.

E. W. Thompson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Appellate Department of the Superior Court, Los Angeles County, State of California, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

683 vs.

Herbert Rivington Pyne, et al., Executors of the Estate of Percy R. Pyne.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is assigned for argument immediately following Nos. 408 and 409.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

684 vs.

Richard J. Reynolds.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, limited to the questions presented by the petition, with the exception of the question whether the remainder was vested or contingent under the law of North Carolina.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Clarence de Veuve, Doing Business Under the Firm Name and Style of San Francisco Underwriters of San Francisco, et al.,

Petitioners,

576 vs.

Ida Louise Tarleton and Mary Ann McElligott.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Manufacturers Trust Company,
Petitioner,
668 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Sciortino,
Petitioner,
674 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago & North Western Railway Company, et al.,
Petitioners,
691 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman Baker, H. A. Bellows and J. L. Statler,

Petitioners,

693 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Luzon Brokerage Co., Inc.,

Petitioner,

694 vs.

Public Service Commission and V. Fragante, as Director of the Bureau of Public Works.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Detroit & Windsor Ferry Company,

Petitioner,

695 vs.

Fred L. Woodworth, Individually and as Former Collector of Internal Revenue, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milo W. Bekins and Reed J. Bekins, as Trustees Appointed by the Will of Martin Bekins, Deceased, et al.,

Petitioners,

696 vs.

Lindsay-Strathmore Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James H. Jordan, J. R. Mason, L. F. Abadie, et al.,

Petitioners,

698 vs.

Palo Verde Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gilbert Moody, James H. Jordan and Walter J. Selby,

Petitioners,

699 vs.

James Irrigation District, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Casco Products Corporation,

Petitioner,

725 vs.

Sinko Tool and Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

634 vs.

Albert C. Joseph, Administrator of the Estate of Wilma Winland, Deceased.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, March 3, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that David M. Christensen, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Coleman, It is ordered that Warren O. Coleman, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Robert G. Payne, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that Arthur A. Gladstone, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jules Kilmer Korner, Jr., It is ordered that Henry J. Ziemba, Esquire, of Utica, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that John E. P. Wood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lucien Henry Mercier, It is ordered that Robert Janda, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that John R. Pearson, Esquire, of Pawhuska, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, Jr., It is ordered that Harold A. Price, Esquire, of Morristown, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

237 vs.

Edyth Le Gierse and Bankers Trust Company, as Executors of the Estate of Cecile Le Gierse, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Okley Goins Tyler, Executrix of the Estate of Herbert F. Tyler, Deceased,

Petitioner,

368 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation in the above entitled cause providing that the decision of this Court in case No. 237, Helvering, Commissioner of Internal Revenue, vs. Le Gierse, et al., shall control the judgment to be entered in the instant case; and this Court having reversed the judgment of the Circuit Court of Appeals in No. 237 and entered judgment in favor of Guy T. Helvering, Commissioner of Internal Revenue, on March 3, 1941;

It is, pursuant to said stipulation, ORDERED and ADJUDGED by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Estate of Anna M. Keller, Pius P. Keller and Marcella V. Keller, Executors,

Petitioners,

371 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Ex parte Cleio Hull,

Petitioner.

On motion for leave to file petition for writ of habeas corpus.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein and of the return to the rule to show cause,

IT IS ORDERED by this Court that the motion for leave to file a petition for writ of habeas corpus herein be, and the same is hereby, denied.

Per Mr. Justice Murphy.

Consolidated Rock Products Co., and Edward E. Hatch and Louis Van Gelder, Composing the Preferred Stockholders Committee of Consolidated Rock Products Co.,

Petitioners,

400 vs.

E. Blois du Bois;

On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

F. D. Badgley, Colonel R. E. Frith, T. Fenton Knight and Walter S. Taylor, Composing the Union Rock Company Bondholders' Protective Committee, et al.,

Petitioners,

444 vs.

E. Blois du Bois.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Douglas.

Railroad Commission of Texas, Lon A. Smith, Ernest O. Thompson, et al.,

Appellants,

283 vs.

The Pullman Company, Guy A. Thompson, Trustee, The St. Louis, Brownsville and Mexico Railway Company, Debtor, et al.

Appeal from the District Court of the United States for the Western District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court, with directions to retain the bill pending a determination of proceedings, to be brought with reasonable promptness, in the state court in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, reversed, costs in this Court to be taxed against the Appellees, except The United States of America.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Roberts.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or disposition of this case.

Panhandle Eastern Pipe Line Company,
Appellant,
269 vs.
The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed, costs in this case to be taxed in the same manner as in the companion case No. 268.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or disposition of this case.

Hiram R. Edwards,
Petitioner,
377 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Howard E. Breisch,

Petitioner,

384 vs.

Central Railroad of New Jersey.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Reed.

Mr. Justice Roberts is of the opinion that the judgment of the Circuit Court of Appeals should be affirmed.

Margaret Conway,

Petitioner,

344 vs.

George H. O'Brien.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Vermont.

Per Mr. Justice Reed.

Leroy A. Berry,

Petitioner,

336 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Vermont.

Per Mr. Justice Black.

Fashion Originators' Guild of America, Inc., et al.,

Petitioners,

537 vs.

Federal Trade Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Millinery Creator's Guild, Inc. (Formerly Millinery Quality Guild, Inc.), et al.,

Petitioners,

251 vs.

Federal Trade Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Herbert H. Maass, as Sole Surviving Executor of the Last Will and Testament of Ida H. Saks, Deceased,

Petitioner,

274 vs.

Joseph T. Higgins, Collector of Internal Revenue for the Third District of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Estate of Cordelia Y. Abendroth, City Bank Farmers Trust Company, as Executor of the Last Will and Testament of Cordelia Y. Abendroth, Deceased,

Petitioner,

510 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Estate of Kate Read Blacque, City Bank Farmers Trust Company, as Executor of the Last Will and Testament of Kate Read Blacque, Deceased,

Petitioner,

511 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

419 vs.

Mary M. Hutchings.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed, but without prejudice to consideration by the Board of Tax Appeals, upon the remand to it, of the question whether the gifts to the beneficiaries in this case are of future interests which are excepted from the benefit of the $5000 deduction allowed by Section 504 (b) of the Revenue Act of 1932, if, under the rules and procedure governing proceedings before the Board, the Commissioner is free to present the question there.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

The United States,

Petitioner,

393 vs.

Arthur Pelzer.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed so far only as it excluded the gifts to the 1932 trust from the computation of the tax for each of the years in question; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Joseph T. Ryerson and Edward L. Ryerson, Jr., as Executors of the Estate of Mary M. Ryerson,

Petitioners,

495 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Stone.

Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

National Labor Relations Board,

Petitioner,

442 vs.

Express Publishing Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby reversed and the order of the Board is reestablished except for the modifications indicated in the opinion of this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed join.

Charlotte Cross Just and Anne Elise Gruner,

Petitioners,

373 vs.

Alma Chambers, as Executrix of the Estate of Henry C. Yeiser, Jr., as Owner of The American Yacht "Friendship II".

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

Stanley R. Hemphill,

Petitioner,

369 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to consider the sufficiency of the evidence to support the verdict.

Per Mr. Chief Justice Hughes.

Journeymen Tailors Union Local No. 195 of the Amalgamated Clothing Workers of America, et al.,

Petitioners,

700 vs.

Miller's, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Journeymen Tailors Union Local No. 195 of the Amalgamated Clothing Workers of America, et al.,

Petitioners,

700 vs.

Miller's, Inc.

On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record

from the Court of Errors and Appeals of the State of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Henry R. Eagles, Alfred McMillan and K. E. MacKenzie and State of Washington,

Appellants,

753 vs.

General Electric Company.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Luther McKinley, Grady McKinley, Eunice McKinley and Lewis McKinley,

Appellants,

748 vs.

R. L. Salter and Wife, Mary Salter, A. L. Hughes, Magnolia Petroleum Company, et al.

Appeal from the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Lou W. Kreicker,

Appellant,

763 vs.

The Naylor Pipe Company, Carl J. Naylor, Elmer N. Naylor, et al.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the court below, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Charles Hussock,

Appellant,

716 vs.

The People of the State of New York.

Appeal from the Court of Special Sessions of the City of New York, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Special Sessions of the City of New York, State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Charles Hussock,

Appellant,

716 vs.

The People of the State of New York.

Appeal from the Court of Special Sessions of the City of New York, State of New York.

TREATING the appeal papers herein from the Court of Special Sessions of the City of New York as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment
of Clyde H. Walker:

It having appeared to the Court from the record in Ex parte Clyde H. Walker, No. ___, Original, October Term, 1939, that Clyde H. Walker of Champaign, Illinois, a member of the Bar of this Court, was convicted of a felony in the United States District Court for the Western District of Washington; and this Court by order of October 9, 1939, having suspended the said Clyde H. Walker from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon Clyde H. Walker, who has filed a return thereto; and it now appearing that the judgment of the District Court for the Western District of Washington has been affirmed by the Circuit Court of Appeals for the Ninth Circuit, and that time to file a petition for writ of certiorari has expired;

Now, upon consideration of the rule to show cause and the return thereto, it is ordered that the said Clyde H. Walker be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

In re Disbarment of

Clement J. McGovern.

It having been reported to the Court that Clement J. McGovern, of Chester, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

IT IS ORDERED that the said Clement J. McGovern be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

Ex parte Ralph Mark,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Louis Burall,

Petitioner.

On motion for leave to file petition for writ of mandamus.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein and of the return to the rule to show cause,

IT IS ORDERED by this Court that the motion for leave to file a petition for writ of mandamus herein be, and the same is hereby, denied, without prejudice to the Petitioner's right to present a petition for a writ of habeas corpus to the United States District Court for the Northern District of California.

AND IT IS FURTHER ORDERED that the rule to show cause be, and the same is hereby, discharged.

Per Mr. Chief Justice Hughes.

Ex parte Opal O. Meadows,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Taylor Seals,
Petitioner.
——, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Forrest Holiday,
Petitioner.
14, Original.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex parte Forrest Holiday,

Petitioner.

14, Original.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex parte Forrest Holiday,

Petitioner,

14, Original.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John J. Earley,

Petitioner,

15, Original vs.

Chicago, Milwaukee, St. Paul & Pacific R. R. Co.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

John J. Earley,

Petitioner,

15, Original vs.

Chicago, Milwaukee, St. Paul & Pacific R. R. Co.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

John J. Earley,

Petitioner,

15, Original vs.

Chicago, Milwaukee, St. Paul & Pacific R. R. Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

George D. Latimer,

Petitioner,

688 vs.

State of Washington, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George D. Latimer,

Petitioner,

688 vs.

State of Washington, et al.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

713 vs.

The Evening Star Newspaper Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

713 vs.

The Evening Star Newspaper Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Celestian L. Strzep,

Petitioner,

730 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Celestian L. Strzep,

Petitioner,

730 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York, Chicago & St. Louis Railroad Company,

Appellant,

586 vs.

Dorothea T. Frank.

ON CONSIDERATION of the motion of the Appellee to dismiss the appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

237 vs.

Edyth LeGierse, et al.;

Okley Goins Tyler, Executrix, etc.,

Petitioner,

368 vs.

Guy T. Helvering, Commissioner of Internal Revenue; and

Estate of Anna M. Keller, et al.,

Petitioners,

371 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion of Everett W. Mattoon and Wm. Howard Nicholas for leave to file a brief as amici curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

V. B. Kinney, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

Order allowing certiorari.

herein

The petition for a writ of certiorari to the Supreme Court of the State of Nebraska is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Millie A. Christenson, Administratrix of the Estate of Tom C. Christenson, Deceased,

Petitioner,

714 vs.

Union Pacific Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Nebraska is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Arkansas Corporation Commission and Fifty-one County Tax Collectors of Arkansas,

Petitioners,

715 vs.

Guy A. Thompson, as Trustee of Missouri Pacific Railroad Company, Debtor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Julia C. Gelfert, as Sole Surviving Executor of the Last Will and Testament of James J. Carpenter, Deceased,

Petitioner,

740 vs.

National City Bank of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Klaxon Company,

Petitioner,

741 vs.

Stentor Electric Manufacturing Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Choctaw Nation,

Petitioner,

659 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving J. Reuter,

Petitioner,

680 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam McIntyre,

Petitioner,

702 vs.

State of Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Monarch Distributing Company and Joseph S. Meyer,

Petitioners,

704 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Romans and Edna M. Horan,

Petitioners,

706 vs.

State of Maryland.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The City of New York,

Petitioner,

707 vs.

The United States of America and Wayne C. Trace, as Assignee for the Benefit of Creditors of Long Island Sash & Door Corporation.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julia Obartuch,

Petitioner,

663 vs.

Security Mutual Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. B. Nelson Construction Company,

Petitioner,

672 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. B. Nelson Construction Company,

Petitioner,

673 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Enos L. Seeds and John Derham, Jr., Individually and Trading as Seeds & Derham,

Petitioners,

675 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. C. Jordan and Ross Walker,

Petitioners,

723 vs.

G. V. Fisher, Frances Ambrose Law and Husband, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Geo. H. Sheppard, Comptroller of Public Accounts, et al.,

Petitioners,

747 vs.

Orville S. Carpenter.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

9 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

10 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

11 vs.

The Cleveland Trust Company, Chrysler Corporation.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary B. Betz,

Petitioner,

623 vs.

Estate of J. Edward Brill, Deceased.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mary B. Betz,

Petitioner,

623 vs.

Estate of J. Edward Brill, Deceased.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte William H. Lockhart,

Petitioner.

13, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees, etc.,

Petitioners,

120 vs.

Webster and Atlas National Bank of Boston, Trustee.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eugene Higgins,

Petitioner,

253 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Henry Odom,

Petitioner,

579 vs.

A. C. Aderhold, Warden, Etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

608 vs.

Board of Governors of Washington State Bar Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman Baker, et al.,

Petitioners,

693 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Complainant,

12, Original vs.

The State of Alabama.

Answer of the Defendant presented.

Ralph W. Richards,

Petitioner,

667 vs.

The State of Florida.

Reported for failure to comply with the Rules.

Massachusetts Bonding and Insurance Company,

Petitioner,

710 vs.

Madeleine Corby Webber and William J. Webber.

Motion to print an abbreviated record submitted by Mr. Frank Harrison for the Petitioner.

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Jay C. Hormel,

Petitioner,

257 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. George M. Wolfson and Mr. R. C. Alderson for the Petitioner and by Mr. Assistant Attorney General Clark for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

516 vs.

O. G. Richter.

Argument commenced by Mr. Assistant Attorney General Clark for the Petitioner and continued by Mr. Richard H. Wilmer for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 4, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Marlin E. Sandlin, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Clinton James, It is ordered that Thos. L. Zimmerman, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson T. Hartson, It is ordered that Francis E. Baldwin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Cleo G. Clayton, Esquire, of Amarillo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

516 vs.

O. G. Richter.

Argument continued by Mr. Richard H. Wilmer for the Respondent and concluded by Mr. Assistant Attorney General Clark for the Petitioner.

Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois,

Petitioner,

437 vs.

Sarah H. Schaffner.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Herbert A. Friedlich for the Respondent.

Westinghouse Electric & Manufacturing Company,

Petitioner,

447 vs.

National Labor Relations Board.

Argued by Mr. Charles A. Reinwald for the Petitioner and by Mr. Robert B. Watts for the Respondent.

Guy T. Helvering Commissioner of Internal Revenue,

Petitioner,

436 vs.

Estate of John M. Enright, Deceased, et al.

Argued by Mr. Gordon Tweedy for the Petitioner and by Mr. James D. Carpenter, Jr., for the Respondents.

Norman J. Pfaff and Frank B.
Wallace, Executors, etc.,

Petitioners,

479 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Laurence Sovik for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MARCH 5, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that Conrad E. Snow, Esquire, of Rochester, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Coleman, It is ordered that Smith R. Brittingham, Jr., Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel J. Kenefick, It is ordered that Ralph M. Andrews, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs G. Simpich, It is ordered that Henry X. Kutash, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James W. Irwin, It is ordered that Russell P. Kehoe, Esquire, of Jeffersonville, State

of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Norman J. Pfaff and Frank B. Wallace, Executors, etc.,

Petitioners,

479 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Laurence Sovik for the Petitioners and concluded by Mr. Gordon Tweedy for the Respondent.

Henry A. Scandrett, et al., Trustees, etc., et al.,

Appellants,

448 vs.

The United States of America, et al.

Argued by Mr. Roy F. Shields for the Appellants; by Mr. Frank Coleman for the Appellees, The United States and Interstate Commerce Commission; by Mr. Albert B. Stephan for Appellees, Dependable Tank Transport, Inc., et al.; and case submitted by Mr. Johnston B. Campbell for Appellees, Inland Empire Waterways Association, et al.; and by Mr. Harry Ellsworth Foster for Appellees, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America.

Jeremiah D. Maguire and Ruth S. Maguire,

Petitioners,

346 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Francis E. Baldwin for the Petitioners and continued by Miss Helen R. Carloss for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 6, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William B. Barry, It is ordered that James R. Geraghty, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Houston White, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dillon Fitzgerald, It is ordered that Chester Tietig, Esquire, of Covington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther Day, It is ordered that Robt. Guinther, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that

Edward E. Hargest, Jr., Esquire, of Baltimore, State of Maryland; and

O. Bowie Duckett, Jr., Esquire, of Baltimore, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney J. Kaplan, It is ordered that Milton U. Copland, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John R. Pearson, It is ordered that Frank T. McCoy, Jr., Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Joe Vernon,

Petitioner,

814 vs.

Earl R. Wilson, Warden of Kilby Prison, Alabama.

STAY ORDER.

UPON CONSIDERATION of the application of counsel for the Petitioner in the above-entitled cause for a stay of execution of the sentence of death upon the said Joe Vernon;

IT IS ORDERED that execution of the judgment and sentence of the Supreme Court of Alabama entered March 26, 1940, in the case therein entitled Joe Vernon v. State of Alabama, be, and the same hereby is, stayed pending the consideration and final determination by this Court of the petition for writ of certiorari herein filed this day.

CHARLES E. HUGHES

Chief Justice of the United States.

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Jeremiah D. Maguire and Ruth S. Maguire,

Petitioners,

346 vs.

Commissioner of Internal Revenue.

Argument continued by Miss Helen R. Carloss for the Respondent and concluded by Mr. Francis E. Baldwin for the Petitioners.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

472 vs.

Richard Van Nest Gambrill;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

473 vs.

Marjorie K. Campbell;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

474 vs.

Seymour H. Knox; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

475 vs.

Dorothy K. G. Rogers.

Argued by Miss Helen R. Carloss for the Petitioners; by Mr. Allin H. Pierce for the Respondent in No. 472; and by Mr. Ralph M. Andrews for the Respondents in Nos. 473, 474 and 475.

The United States of America,

Petitioner,

484 vs.

The Cooper Corporation, et al.

Argued by Mr. Hugh B. Cox for the Petitioner and by Mr. Luther Day for the Respondents.

The United States of America,

Petitioner,

500 vs.

Jacob J. Sherwood.

Argument commenced by Mr. Sidney J. Kaplan for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 7, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that

Ira Butler, Esquire, of Fort Worth,
State of Texas; and

John L. Reeves, Esquire, of Fort Worth,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Bronse Hoover, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hayden C. Covington, It is ordered that Victor F. Schmidt, Esquire, of Rossmoyne, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. Sullivan, It is ordered that

Frank R. Kenison, Esquire, of Conway,
State of New Hampshire; and

J. Vincent Broderick, Esquire, of Manchester,
State of New Hampshire;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton I. Baldinger, It is ordered that John William Kopecky, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Briggs G. Simpich, It is ordered that Guy G. Bratton, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

500 vs.

Jacob L. Sherwood.

Argument continued by Mr. Sidney J. Kaplan for the Petitioner and concluded by Mr. Milton U. Copland for the Respondent.

Willis Cox, et al.,

Appellants,

502 vs.

State of New Hampshire.

Argued by Mr. Hayden C. Covington for the Appellants and by Mr. Frank R. Kenison for the Appellee.

Walter M. Hort,

Petitioner,

517 vs.

Commissioner of Internal Revenue.

Argued by Mr. Richard H. Demuth for the Respondent and case submitted by Mr. Walter J. Rossten and Mr. Edwin Mort for the Petitioner.

Pittsburgh Plate Glass Company,

Petitioner,

521 vs.

National Labor Relations Board; and

Crystal City Glass Workers' Union,

Petitioner,

523 vs.

National Labor Relations Board.

Argument commenced by Mr. J. W. McAfee for the Petitioner in No. 521 and continued by Mr. Henry H. Oberschelp for the Petitioner in No. 523.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Edmund J. Brandon, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott W. Lucas, It is ordered that Emmet J. Cleary, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that William B. Dickenson, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Arthur W. Mitchell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Herman C. A. Hofacker, Esquire, of Pittsburgh,

State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hammond E. Chaffetz, It is ordered that Charles B. Parker, Esquire, of Worcester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Westinghouse Electric & Manufacturing Company,

Petitioner,

447 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Henry A. Scandrett, et al., Trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.,

Appellants,

448 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the District of Oregon.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

N. B. Early, Jr., Individually and as Collector of Internal Revenue for the District of Virginia,

Petitioner,

556 vs.

Fergus Reid.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

N. B. Early, Jr., Individually and as Collector of Internal Revenue for the District of Virginia,

Petitioner,

556 vs.

Fergus Reid.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Virginia.

Per Mr. Chief Justice Hughes.

Rosario Chirillo and Josephine Chirillo, Appellants, vs. Herbert H. Lehman, Governor of the State of New York, et al.

Appeal from the District Court of the United States for the Southern District of New York.

770

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED, That the order of January 10, 1898, as amended by the order of February 28, 1898 (169 U.S. 740), establishing a table of fees and costs in the Circuit Courts of Appeals, be amended so as to read as follows:

"ORDERED, in pursuance of the act of Congress of February 19, 1897, 29 Stat. 536, c. 263, that the following table of fees and costs in the Circuit Courts of Appeals be, and the same is hereby, established, and fees and costs not exceeding those herein named shall be charged:

Docketing a case and filing the record	$ 5.00
Entering an appearance	.25
Transferring a case to the printed calendar.	1.00
Entering a continuance	.25
Filing a motion, order, or other paper	.25
Entering any rule, or making or copying any record or other paper, for each one hundred words.	.20

Entering a judgment or decree	$ 1.00
Every search of the records of the court and certifying the same.	1.00
Affixing a certificate and a seal to any paper. . .	1.00
Receiving, keeping, and paying money, in pursuance of any statute or order of court, one percent on the amount so received, kept, and paid.	
Preparing the record for the printer, indexing the same, supervising the printing and distributing the copies, for each printed page of the record and index, twenty-five cents ($.25), provided that the charge for any single record and index shall not exceed five hundred dollars.	
Making a manuscript copy of the record, when required by the rules, for each one hundred words (but nothing in addition for supervising the printing) . .	.20
Issuing a writ of error and accompanying papers, or a mandate or other process.	5.00
Filing briefs, for each party appearing	5.00
Copy of an opinion of the court, certified under seal, for each printed page (but not to exceed five dollars in the whole for any copy)	1.00
Attorney's docket fee	20.00"

IT IS FURTHER ORDERED, That this order shall apply to all cases docketed in a Circuit Court of Appeals on or after March 15, 1941.

Per Mr. Chief Justice Hughes.

Ex parte George T. Kemnitzer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Complainant,

12, Original vs.

The State of Alabama.

THIS CAUSE is set for hearing on the Bill of Complaint and Answer and assigned for argument on Monday, April 28, next. Brief for Complainant to be filed on or before March 31; brief for Defendant to be filed on or before April 18; and reply briefs, if any, to be filed on or before April 25.

Per Mr. Chief Justice Hughes.

Massachusetts Bonding and Insurance Company,

Petitioner,

710 vs.

Madeleine Corby Webber and William J. Webber.

ON CONSIDERATION of the motion of the Petitioner for leave to print an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Philadelphia-Detroit Lines, Inc.,

Appellant,

708 vs.

Burr H. Simpson, Individually, etc., et al.

ON CONSIDERATION of the motion to postpone consideration of the petition for rehearing and of the motion to withhold the issue of the mandate in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Hughes.

J. C. Lomax,

Petitioner,

729 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

J. C. Lomax,

Petitioner,

729 vs.

The State of Texas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William B. Robbins,

Petitioner,

613 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Robbins,

Petitioner,

613 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. F. Parrish,

Petitioner,

720 vs.

The Stratton Cripple Creek Mining & Development Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. F. Parrish,

Petitioner,

720 vs.

The Stratton Cripple Creek Mining & Development Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard Smith,

Petitioner,

701 vs.

E. B. Henderson, Warden of Tattnall Prison, Tattnall County, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard Smith,

Petitioner,

701 vs.

E. B. Henderson, Warden of Tattnall Prison, Tattnall County, Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. R. Brooks,

Petitioner,

718 vs.

Archie Dewar, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Nevada is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

H. J. Jenkins,

Petitioner,

732 vs.

James M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America, as Guardian of the Indians of the Tribe of Hualpai in the State of Arizona,

Petitioner,

717 vs.

Santa Fe Pacific Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Shamrock Oil and Gas Corporation,

Petitioner,

727 vs.

G. Obie Sheets and Chester Sheets, Doing Business as Priona Independent Oil Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, limited to the first question presented by the petition for the writ.

AND IT IS FURTHER ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mary Flagler Cary,

Petitioner,

734 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 684.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harry Harkness Flagler,

Petitioner,

735 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following Nos. 684 and 734.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Estate of Annie L. Flagler, Deceased, Harry Harkness Flagler, Executor,

Petitioner,

736 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following Nos. 684, 734, and 735.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Jean Louise Matthews,

Petitioner,

737 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following Nos. 664, 734, 735, and 736.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ralph W. Richards,

Petitioner,

667 vs.

The State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

IT APPEARING to the Court that counsel for the Petitioner has failed to comply with the rules of this Court in this case;

THEREFORE, IT IS ORDERED by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed for failure to comply with the rules.

Per Mr. Chief Justice Hughes.

Indiana Unemployment Compensation Board,

Petitioner,

751 vs.

Benner-Coryell Lumber Company, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

City of Jackson, a Municipal Corporation, Under the Laws of the State of Mississippi, et al.,

Petitioners,

779 vs.

Mississippi Power & Light Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

The Ship Construction & Trading Co., Inc.,

Petitioner,

681 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

V. J. Adams, Trustee for General Box Company, Inc., Bankrupt,

Petitioner,

722 vs.

City Bank and Trust Company of Macon, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Troy-Parisian, Inc.,

Petitioner,

724 vs.

The United States of America, on relation and for the benefit of the Administrator of the Federal Housing Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anheuser-Busch, Incorporated, Melrose Ice Cream Corporation, et al.,

Petitioners,

726 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

May Department Stores Company and Jerry Goddard,

Petitioners,

728 vs.

Takashi Kataoka, by his Guardian Ad Litem Tsutomu Kataoka and Tsutomu Kataoka.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nicholas Roerich,

Petitioner,

733 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Union Trust Company of Pittsburgh, Trustee, John Marshall Lockhart Trust No. 2,

Petitioner,

745 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wells Fargo Bank & Union Trust Co.,
Petitioner,
749 vs.
Collector of Internal Revenue.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam C. Blair, Judge of the Circuit Court of Cole County, Missouri,
Petitioner,
750 vs.
State of Missouri, at the relation of Ray B. Lucas, Superintendent of the Insurance Department of the State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,
Petitioner,
281 vs.
City National Bank and Trust Co. of Chicago, et al.

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Weightstill Woods, Court Trustee,
Petitioner,
282 vs.
City National Bank and Trust Co. of Chicago, et al.

ON CONSIDERATION of the motion of Petitioner to strike the

petition for rehearing and of the motion for a rule to show cause herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

281 vs.

City National Bank and Trust Co. of Chicago, et al.

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Weightstill Woods, Court Trustee,

Petitioner,

282 vs.

City National Bank and Trust Co. of Chicago, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Federation of Labor, et al.,

Petitioners,

56 vs.

Ross W. Swing, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

705 vs.

Harry Florian, Executor, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, March 17, until Monday, March 31, next.

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State of Arkansas,

Complainant,

9, Original vs.

State of Tennessee.

Report of Boundary Commissioners presented.

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Pittsburgh Plate Glass Company,

Petitioner,

521 vs.

National Labor Relations Board; and

Crystal City Glass Workers' Union,

Petitioner,

523 vs.

National Labor Relations Board.

Argument continued by Mr. Solicitor General Biddle for the Respondent and concluded by Mr. J. Wesley McAfee for the Petitioner in No. 521.

Public Service Commission of the
State of Missouri, et al.,

Petitioners,

549 vs.

Brashear Freight Lines, Inc., et al.

Argued by Mr. Daniel C. Rogers for the Petitioners and by Mr. Kenneth Teasdale for the Respondents.

National Labor Relations Board,

529 vs.

White Swan Company.

Argued by Mr. Warner W. Gardner for the National Labor Relations Board and by Mr. Herman C. A. Hofacker for the White Swan Company.

The United States of America,

Petitioner,

535 vs.

The Chicago, Milwaukee, St. Paul
and Pacific Railroad Company, et al.

Argument commenced by Mr. Assistant Attorney General Littell for the Petitioner and continued by Mr. A. C. Erdall for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 11, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Robert G. Draper, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Wallace H. Savage, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence J. Bernard, It is ordered that J. Thomas Smith, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that D. G. Paston, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bayard Clark, It is ordered that

L. R. Varser, Esquire, of Lumberton,
State of North Carolina; and

Ozmer L. Henry, Esquire, of Lumberton,
State of North Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Sherbondy, It is ordered that Martin F. Comeau, Esquire, of Kingston, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fowler Hamilton, It is ordered that Horace F. Blackwell, Jr., Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Souby, It is ordered that Richard S. Righter, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert M. Bingham, It is ordered that

Beatrice Densen, of New York, (Miss)
State of New York; and

Gustave A. Gerber, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Weldon Bailey White, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

535 vs.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

Argument continued by Mr. A. C. Erdall for the Respondents and concluded by Mr. Assistant Attorney General Littell for the Petitioner.

Phelps Dodge Corporation,

Petitioner,

387 vs.

National Labor Relations Board; and

National Labor Relations Board,

Petitioner,

641 vs.

Phelps Dodge Corporation.

Argued by Mr. Denison Kitchel for the Phelps Dodge Corporation and by Mr. Thomas E. Harris for the National Labor Relations Board.

Continental Oil Company,

Petitioner,

413 vs.

National Labor Relations Board.

Argued by Mr. John P. Akolt for the Petitioner and by Mr. Thomas E. Harris for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,

Harlan F. Stone,

Owen J. Roberts,

Hugo L. Black,

Stanley Reed, Associate Justices.

Felix Frankfurter,

William O. Douglas,

Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Harold M. Kennedy, Esquire, of Brooklyn,
State of New York;

Joseph A. McNamara, Esquire, of Burlington,
State of Vermont;

Frederick Voris Follmer, Esquire, of Milton,
State of Pennsylvania;

Herman Frederick Reich, Esquire, of Sunbury,
State of Pennsylvania;

Gerald A. Gleeson, Esquire, of Philadelphia,
State of Pennsylvania;

René A. Viosca, Esquire, of New Orleans,
State of Louisiana;

Maurice M. Milligan, Esquire, of Kansas City,
State of Missouri;

Harvey H. Tisinger, Esquire, of Carrollton,
State of Georgia;

Leo Calvin Crawford, Esquire, of Dayton,
State of Ohio; and

Robert Weinstein, Esquire, of New Orleans,
State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Marran, It is ordered that Eugene J. Morris, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Wallace, It is ordered that Wade Omer Martin, Jr., Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey L. Lechner, It is ordered that Edward H. Davis, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard E. Westbrooks, It is ordered that

Joseph J. Attwell, Jr., Esquire, of Chicago,
State of Illinois;

Blaine G. Alston, Esquire, of Chicago,
State of Illinois; and

Georgia Huston Jones Ellis, of Chicago, (Mrs.)
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Earl Moore,

Petitioner,

550 vs.

Illinois Central Railroad Company.

Argued by Mr. James L. Byrd for the Respondent and case submitted by Mr. George Butler and Mr. Garner W. Green for the Petitioner.

R. H. Nye and L. C. Mayers,

Petitioners,

558 vs.

The United States of America
and W. B. Guthrie.

Argued by Mr. Lycurgus R. Varser for the Petitioners and by Mr. Herbert Wechsler for the Respondent, The United States of America.

Samuel R. Toucey,

Petitioner,

587 vs.

New York Life Insurance Company.

Argued by Mr. Richard H. Righter for the Respondent and case submitted by Mr. Samuel R. Toucey for the Petitioner, pro se.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 13, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fulton Lewis, It is ordered that Nathan Cockrell, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard K. Stevens, It is ordered that

Trenton Meredith, Esquire, of Washington, District of Columbia; and

Oswald G. Hayes, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that John J. Klein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard E. Westbrooks, It is ordered that Barbara W. Goodall, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Archibald King, It is ordered that Claudius Oscar Wolfe, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peter Goelet Gerry, It is ordered that Charles F. Risk, Esquire, of Pawtucket, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Phoenix Finance Corporation,

Petitioner,

624 vs.

Iowa-Wisconsin Bridge Company.

Argued by Mr. James R. Morford for the Petitioner, and by Mr. Fred A. Ontjes for the Respondent.

Arthur W. Mitchell,

Appellant,

577 vs.

The United States of America, et al.

Argument commenced by Mr. Arthur W. Mitchell for the Appellant; continued by Mr. Richard E. Westbrooks for the Appellant; by Mr. J. Stanley Payne for the Appellee, The Interstate Commerce Commission; by Mr. Wallace T. Hughes for the Appellee, Frank O. Lowden, et al., Trustees, etc.; and concluded by Mr. Arthur W. Mitchell for the Appellant; and case submitted by Mr. Solicitor General Biddle, Mr. Warner W. Gardner, and Mr. Frank Coleman for the Appellee, The United States.

Commercial Molasses Corporation,

Petitioner,

584 vs.

New York Tank Barge Corporation,
as chartered owner of the Tank
Barge "T. N. No. 73."

Argument commenced by Mr. T. Catesby Jones for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that

D. Arthur Walker, Esquire, of Arkansas City, State of Kansas; and

Frank Funston Eckdall, Esquire, of Emporia, State of Kansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. E. Hess, It is ordered that

Maurice K. Topson, Esquire, of Columbus, State of Ohio; and

John H. Doyle, Esquire, of Cincinnati, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Malcolm P. Halliday, It is ordered that Frank A. Mouritsen, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Alfonso J. Zirpoli, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that James G. Mitchell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that

Margaret Bennett Porter, of Chicago, (Mrs.)
State of Illinois; and

John Wolcott Porter, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Commercial Molasses Corporation,

Petitioner,

584 vs.

New York Tank Barge Corporation, as chartered owner of the Tank Barge "T. N. No. 73."

Argument continued by Mr. T. Catesby Jones for the Petitioner; by Mr. Robert S. Erskine for the Respondent; and concluded by Mr. T. Catesby Jones for the Petitioner.

H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

603 vs.

Legh R. Powell, Jr., and Henry W. Anderson, as Receivers, etc.

Argued by Mr. Robert L. Stern for the Petitioners and by Mr. Joseph F. Johnston and Mr. W. R. C. Cocke for the Respondents.

Lanbiris Skiriotes,

Appellant,

658 vs.

The State of Florida.

Argued by Mr. W. B. Dickenson for the Appellant and by Mr. Nathan Cockrell for the Appellee.

The United States of America,

Appellant,

616 vs.

Leamon Resler, et al.

Argued by Mr. Fowler Hamilton for the Appellant and case submitted by Mr. Harry S. Silverstein for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, MARCH 17, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Sam M. Russell, Esquire, of Stephenville, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that George V. Cavanaugh, Esquire, of Mishawaka, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl F. Phillips, It is ordered that Josiah P. Henry, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that

Robert H. Kleeb, Esquire, of Pittsburgh,
State of Pennsylvania; and

Allan R. Rosenberg, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adrien P. Busick, It is ordered that Beatrice A. McMichael, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

The Metropolitan Casualty Insurance Company of New York,

Petitioner,

425 vs.

Frank Stevens, et al.

On writ of certiorari to the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Murphy.

Jay C. Hormel,

Petitioner,

257 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Black.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

516 vs.

O. G. Richter.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for rehearing in the light of the case of Helvering vs. Clifford.

Per Mr. Justice Black.

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The Chief Justice announced the following orders of the Court:

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Utilities Insurance Company,

Petitioner,

625 vs.

Charles H. Potter and R. O. Burbridge.

On writ of certiorari to the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed for the reason that the judgment of the Supreme Court of Oklahoma rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Edward Casebeer,

Petitioner,

631 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Edward Casebeer,

Petitioner,

631 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward Casebeer,

Petitioner,

631 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and

the same is hereby, remanded to the said Circuit Court of Appeals with directions to reconsider the petitioner's appeal in the light of a transcript of the testimony taken at the hearing on the petition for habeas corpus.

Per Mr. Chief Justice Hughes.

Ida Mae Posey,

Petitioner,

744 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, on the Government's confession of error.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ida Mae Posey,

Petitioner,

744 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, on confession of error by the Government, and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Tennessee with directions to grant the motion to suppress.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Isom J. Guillory,

Petitioner.

ON CONSIDERATION of the application for a stay of the execution and enforcement of the judgment and decree of the Supreme Court of Louisiana, rendered in cause numbered on its docket 36,093, entitled Isom J. Guillory v. Sam H. Jones, Governor of Louisiana, et al., presented to Mr. Justice Black and referred by him to the Court,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Cecil L. Snyder,

Petitioner.

ON CONSIDERATION of the application submitted herein by Cecil L. Snyder,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Clarence Scott,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

SUPREME COURT OF THE UNITED STATES.

No. 9, ORIGINAL.—OCTOBER TERM, 1940.

State of Arkansas,
vs.
State of Tennessee.

DECREE.

[March 17, 1941.]

On consideration of the report filed herein on February 24, 1941, by W. H. Green and O. W. Gauss, the Commissioners appointed herein by decree of this Court entered October 14, 1940 (311 U. S. 1), to locate and mark on the ground the boundary between the State of Arkansas and the State of Tennessee, at the points designated in said decree; and the State of Arkansas and the State of Tennessee having stipulated by counsel that they have no exceptions and no objections to the said report, and they having applied to this Court to terminate the time within which exceptions or objections to said report may be filed:

It is now adjudged, ordered, and decreed as follows:

1. The time within which exceptions or objections to said report may be filed is hereby terminated;

2. The said report is in all respects confirmed;

3. The boundary line marked and located on the ground as set forth by the report and accompanying map is established and declared to be the true boundary between the State of Arkansas and the State of Tennessee, as determined by the decree of this Court of October 14, 1940;

4. As it appears that the Commissioners have completed their work in conformity with the decree of this Court of October 14, 1940, they are hereby discharged, and their fees and expenses in the amounts stated in the report are approved;

5. The Clerk of this Court is directed to transmit to the Chief Magistrates of the States of Arkansas and Tennessee copies of this decree, duly authenticated under the seal of this Court, together with copies of the said report of the Commissioners and of the accompanying map;

6. The costs in this cause shall be borne and paid in equal parts by the States of Arkansas and Tennessee.

Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

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Panhandle Eastern Pipe Line Company,

Appellant,

269 vs.

The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

IT IS ORDERED that in the sentence beginning on line 6 of page 2 of the opinion handed down March 3, 1941, after the words "These acts stifled" and before the word "Panhandle's" there be inserted the words ", so it was claimed,".

IT IS FURTHER ORDERED that the paragraph beginning on page 4 of the opinion be stricken from the opinion and that the following paragraph be added in its place:

"A final contention in support of the order remains. It is based on two prior denials of motions by Mokan to intervene. Treating Mokan's motions as made on its own behalf on the score of its ownership of more than forty per cent of Panhandle's stock, the district court denied the motions. Appeals from these denials were dismissed by the circuit court of appeals, 108 F. (2d) 614, and we denied certiorari, 309 U.S. 687. The denials are now urged as res judicata. But they were a rejection of Mokan's attempt to intervene in its own behalf. In neither instance was the relief denied deemed a mode of enforcing Panhandle's rights under Sections IV and V of the Decree. The earlier denials involved different legal claims from that now asserted, and therefore are no bar to the present proceeding."

Per Mr. Chief Justice Hughes.

Missouri-Kansas Pipe Line Company,

Appellant,

268 vs.

The United States of America, Columbia Gas and Electric Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the same petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Union Pacific Railroad Company, et al.,

Appellants,

594 vs.

The United States of America, et al.

ON CONSIDERATION of the motion to postpone the argument of this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied. The case is assigned for argument on Wednesday, April 9, next.

Per Mr. Chief Justice Hughes.

Jennings B. Monsen,

Petitioner,

647 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jennings B. Monsen,

Petitioner,

647 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mattie Morgan,

Petitioner,

742 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mattie Morgan,

Petitioner,

742 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Ohio, ex rel. William Smith,

Petitioner,

754 vs.

Hector S. Young, Judge of the Court of Common Pleas, Marion County, Ohio, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Ohio, ex rel. William Smith,

Petitioner,

754 vs.

Hector S. Young, Judge of the Court of Common Pleas, Marion County, Ohio, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Rob Griffin, Administrator With the Will Annexed of the Estate of Robert D. Gordon, Deceased,

Petitioner,

755 vs.

John D. McCoach, Trustee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 741.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Arthur E. Morgan,

Petitioner,

731 vs.

Tennessee Valley Authority, Harcourt A. Morgan and David E. Lilienthal, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Frankfurter took no part in the consideration and decision of this application.

Crab Orchard Improvement Company,

Petitioner,

757 vs.

Chesapeake & Ohio Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

John H. McGloon,

Petitioner,

762 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration and decision of this application.

Manuel V. Domenech, Treasurer,
Petitioner,
648 vs.
San Juan Trading Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

San Juan Trading Co., Inc.,
Petitioner,
679 vs.
Manuel V. Domenech, Treasurer of Puerto Rico.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Earle E. Kynette,
Petitioner,
712 vs.
The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reid B. Scott,
Petitioner,
721 vs.
Aaron Cohen.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southwestern Hotel Company,
Petitioner,
752 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert K. Miller,
Petitioner,
760 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Bush Crenshaw,
Petitioner,
761 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
764 vs.
The Cleveland Trust Company, Trustee of the Trust Estate known as Garfield Building Site Trust.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Cotsirilos,
Petitioner,
765 vs.
Maurice Klein, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and

of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,
Petitioner,
788 vs.
Laura K. Griesedieck.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milk Wagon Drivers Union of Chicago, Local 753, etc., et al.,
Petitioners,
1 vs.
Meadowmoor Dairies, Inc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Milk Wagon Drivers Union of Chicago, Local 753, etc., et al.,
Petitioners,
1 vs.
Meadowmoor Dairies, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry C. Kelly,

Petitioner,

190 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred W. Nelson, as Chairman of the State Tax Commission, etc., et al.,

Petitioners,

255 vs.

Sears, Roebuck and Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred W. Nelson, as Chairman of the State Tax Commission, etc., et al.,

Petitioners,

256 vs.

Montgomery Ward and Co., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al.,

Petitioners,

696 vs.

Lindsay-Strathmore Irrigation District;

and

James H. Jordan, J. R. Mason, L. F. Abadie, et al.,

Petitioners,

698 vs.

Palo Verde Irrigation District.

A petition for rehearing having been filed in these cases by J. R. Mason, in propria persona,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, March 31, next, at 12 o'clock.

MONDAY, MARCH 31, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James C. Ingebretsen, It is ordered that Walter K. Mitchell, Esquire, of Santa Monica, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that Charles F. Nolan, Esquire, of Oshkosh, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that

Harold R. Ratcliff, Esquire, of Memphis, State of Tennessee; and

Cecil B. Nance, Esquire, of Marion, State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mahlon D. Kiefer, It is ordered that John E. Porte, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Horne, It is ordered that Carlyle Michelman, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that

Samuel O. Foss, Jr., Esquire, of Auburn, State of Maine; and

Charles A. Pomeroy, Esquire, of Auburn, State of Maine;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. O'Connell, It is ordered that Henry Hammer, Esquire, of Passaic, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Hutchinson, It is ordered that Fred C. McClurg, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent M. Miles, It is ordered that John Malcolm Smith, Esquire, of Marion, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

LeRoy D. Owen, Esquire, of Los Angeles, State of California; and

Edward S. Shattuck, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Calvin F. Smith, It is ordered that Francis Johns Gafford, Esquire, of Easton, State of

Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Walter M. Hort,

Petitioner,

517 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Jeremiah D. Maguire and Ruth S. Maguire,

Petitioners,

346 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

472 vs.

Richard Van Nest Gambrill.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

473 vs.

Marjorie K. Campbell.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

474 vs.

Seymour H. Knox.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

475 vs.

Dorothy K. G. Rogers.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

National Labor Relations Board,

529 vs.

White Swan Company.

On certificate from the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the certificate herein, be, and the same is hereby, dismissed.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

436 vs.

Estate of John M. Enright, Deceased, James G. Enright, Emma E. Neilson, and Mildred L. Enright, Executors.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the decision of the Board of Tax Appeals, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Norman J. Pfaff and Frank B. Wallace, Executors of the Estate of William L. Wallace, Deceased,

Petitioners,

479 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Public Service Commission of the State of Missouri, et al.,

Petitioners,

549 vs.

Brashear Freight Lines, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings before a single district judge in conformity with the opinion of this Court.

Per Mr. Justice Black.

Earl Moore,

Petitioner,

550 vs.

Illinois Central Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Mississippi.

Per Mr. Justice Black.

Mr. Justice Frankfurter concurs in the result.

The United States of America,
Petitioner,
535 vs.
The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The United States of America,
Petitioner,
484 vs.
The Cooper Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for

the Southern District of New York.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Douglas join.

Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois,

Petitioner,

437 vs.

Sarah H. Schaffner.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

The United States of America,

Petitioner,

500 vs.

Jacob L. Sherwood.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Willis Cox, Walter Chaplinsky, John Konides, et al.,

Appellants,

502 vs.

State of New Hampshire.

Appeal from the Supreme Court of the State of New Hampshire.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Hampshire, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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The City Company of New York, Incorporated,

Petitioner,

79 vs.

Jay S. Stern.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The City Company of New York, Incorporated,

Petitioner,

79 vs.

Jay S. Stern.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings with respect to any questions not determined by the Supreme Court of Minnesota in the Pomeroy and Donaldson cases.

Per Mr. Chief Justice Hughes.

Chase Securities Corporation,
Petitioner,
89 vs.
Joseph H. Vogel.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Chase Securities Corporation,
Petitioner,
89 vs.
Joseph H. Vogel.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings with respect to any questions not determined by the Supreme Court of Minnesota in the Pomeroy and Donaldson cases.

Per Mr. Chief Justice Hughes.

H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

603 vs.

Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

776 vs.

Nebraska Bridge Supply & Lumber Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

776 vs.

Nebraska Bridge Supply & Lumber Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

William Cantey,

Petitioner,

789 vs.

McLain Line, Inc., and McLain Carolina Line, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William Cantey,

Petitioner,

789 vs.

McLain Line, Inc., and McLain Carolina Line, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Sun-Maid Raisin Growers Association and Sunland Sales Cooperative Association,

Appellants,

vs.

The United States of America, et al.

Appeal from the District Court of the United States for the Northern District of California.

805

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED, That the Rules of Practice and Procedure, after plea of guilty, verdict or finding of guilt, in criminal cases brought in the District Courts of the United States and in the Supreme Court of the District of Columbia, promulgated by order of May 7, 1934 (292 U.S. 661), and amended by orders of May 24, 1937 (301 U.S. 717), ~~and~~ May 31, 1939 (304 U.S. 592), and October 21, 1940 (311 U.S. 733), be and they hereby are made applicable to all proceedings after plea of guilty, verdict or finding of guilt by the trial court where a jury is waived, in criminal cases in the District Courts of Alaska, Hawaii, Puerto Rico, Canal Zone and Virgin Islands, and in all subsequent proceedings in such cases in the United States Circuit Courts of Appeals and in the Supreme Court of the United States.

IT IS FURTHER ORDERED, That these Rules shall be applicable to proceedings in all cases in such courts in which a plea of guilty shall be entered or a verdict or finding of guilt shall be rendered on or after the first day of July, 1941.

Per Mr. Chief Justice Hughes.

Ex parte Arthur Matthew Becker,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Raymond Stitely,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

ORDERED that the opinion in this case be amended by striking the word "unsuccessful" from the eighth line from the bottom of page 5.

Per Mr. Chief Justice Hughes.

Equitable Life Insurance Company of Iowa,

Petitioner,

291 vs.

Halsey, Stuart & Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlotte Cross Just, et al.,

Petitioners,

373 vs.

Alma Chambers, as Executrix, etc.

IT IS ORDERED that the opinion herein be amended by striking from the sixth and seventh lines of the second paragraph on page two the words, "and does not appear to be disputed here".

Per Mr. Chief Justice Hughes.

Charlotte Cross Just, et al.,

Petitioners,

373 vs.

Alma Chambers, as Executrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fashion Originators' Guild of America, Inc., et al.,

Petitioner,

537 vs.

Federal Trade Commission.

IT IS ORDERED that the last two sentences of the last full paragraph on page 2 of the opinion handed down March 3 be amended to read as follows:

"And the power of the combination is made even greater by reason of the affiliation of some members of the National Federation of Textiles, Inc. — that being an organization composed of about one hundred textile manufacturers, converters, dyers and printers of silk and rayon used in making women's garments. Those members of the Federation who are affiliated with the Guild have agreed to sell their products only to those garment manufacturers who have in turn agreed to sell only to cooperating retailers."

Per Mr. Chief Justice Hughes.

Horace Lee Bartindale,

Petitioner,

772 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Horace Lee Bartindale,

Petitioner,

772 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court, Rockland County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court, Rockland County, State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Miss Annie C. Lewis,

Petitioner,

813 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Miss Annie C. Lewis,

Petitioner,

813 vs.

State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hreby, denied.

Per Mr. Chief Justice Hughes.

State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma,

Appellant,

832 vs.

Guy F. Atkinson Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The Automatic Devices Corporation,
Petitioner,
277 vs.
Sinko Tool & Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

A motion for leave to file a petition for rehearing and petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the question whether claims 2, 3 and 11 of the Mead patent No. 1,736,544 are valid.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

American Surety Company of New York,
Petitioner,
782 vs.
The Bethlehem National Bank of Bethlehem, Pennsylvania, and L. M. Reed, as Receiver, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

758 vs.

Virginia Electric and Power Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

759 vs.

The Independent Organization of Employees of the Virginia Electric and Power Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Textile Mills Securities Corporation,

Petitioner,

812 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The People of the State of Illinois, ex rel. Garfield R. Leaf, County Treasurer ex Officio County Collector, Lake County,

Petitioner,

777 vs.

E. R. Orvis.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Orman W. Ewing,

Petitioner,

783 vs.

National Airport Corporation.

ON CONSIDERATION of the motion to consider the petition for certiorari in this case on appendices to the briefs filed in the Circuit Court of Appeals,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Orman W. Ewing,

Petitioner,

783 vs.

National Airport Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret B. Carpenter and Leroy E. Carpenter,

Petitioners,

756 vs.

The Superior Court of the State of California in and for the County of Los Angeles.

ON CONSIDERATION of the motion for leave to use the record in case No. 93 of this Term in considering the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Margaret B. Carpenter and Leroy E. Carpenter,

Petitioners,

756 vs.

The Superior Court of the State of California in and for the County of Los Angeles.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Dixon, James Cole, Harvey H. Hess, et al.,

Petitioners,

768 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Queen Insurance Company of America,

Petitioner,

773 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O. C. Altmaier,

Petitioner,

774 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alva Mae Reeley, Widow, and on behalf of the Three Infant Children of the late George A. Reeley, Deceased,

Petitioner,

780 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Ohio National Life Insurance Company,

Petitioner,

787 vs.

Morris B. Sachs, T. C. Witt, Gizella Witt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John T. Walker, Matilda W. Constable, James K. Museberg, et al.,

Petitioners,

790 vs.

Ray J. O'Brien and Hawaiian Trust Company, Limited, Etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Mutual Life Insurance Company of New York,

Petitioner,

791 vs.

Helene Heilbronner, Guardian of the Person and Curatrix of the Estate of Theodore S. Heilbronner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Norman B. Frost and Frederic N. Towers, two of the Executors of and Trustees under the Will of Mary H. Lincoln, deceased, et al.,

Petitioners,

800 vs.

American Security and Trust Company, as remaining Executor of and Trustee under the Will of Mary H. Lincoln, deceased, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gerritsen Basin Development Corporation,

Petitioner,

820 vs.

The City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gerritsen Basin Development Corporation,

Petitioner,

821 vs.

The City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gerritsen Basin Development Corporation,

Petitioner,

822 vs.

The City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Motors Corporation (as Transferee in complete liquidation of Walter J. Bemb, Inc.),

Petitioner,

738 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Motor Service, Incorporated,

Petitioner,

739 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milk Control Commission of the Commonwealth of Pennsylvania,

Petitioner,

766 vs.

Clarence Green, trading as Green's Dairy, G. P. Julius, trading as Julius' Dairy, et al.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

British American Oil Producing Company,

Petitioner,

771 vs.

D. M. Buffington and C. R. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

California Lumbermen's Council, Coast Counties Lumbermen's Club, et al.,

Petitioners,

775 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New Jersey Worsted Mills,

Petitioner,

778 vs.

Olive Ripley Gnichtel, et al., as Executors of the Will of Edward E. Gnichtel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cherry-Burrell Corporation and the Girdler Corporation,

Petitioners,

786 vs.

The Creamery Package Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jack Schneider,

Petitioner,

801 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of General Sessions, County of New York, State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Cleio Hull,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file certain exhibits herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex parte Cleio Hull,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

310 vs.

City National Bank and Trust Company of Chicago, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Weightstill Woods, Court Trustee,

Petitioner,

310 vs.

City National Bank and Trust Company of Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

608 vs.

Board of Governors of Washington State Bar Association.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julia Obartuch,

Petitioner,

663 vs.

Security Mutual Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. B. Nelson Construction Company,

Petitioner,

672 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. B. Nelson Construction Company,

Petitioner,

673 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Baltimore & Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

Motion of Brotherhood of Railroad Trainmen for leave to file a brief as amicus curiae submitted by Mr. Alvin L. Newmyer.

The Baltimore & Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

ON CONSIDERATION of the motion of the Brotherhood of Railroad Trainmen for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Millie A. Christenson, Administratrix of the Estate of Tom C. Christenson, Deceased,

Petitioner,

714 vs.

Union Pacific Railroad Company.

On writ of certiorari to the Supreme Court of the State of Nebraska.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the writ of certiorari in this case, each party to pay her and its own costs.

THEREFORE, in pursuance of said stipulation, It is ordered by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed, each party to pay her and its own costs.

Per Mr. Chief Justice Hughes.

Lucile Page,

Petitioner,

842 vs.

Warren Wright.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

IT APPEARING to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this case.

THEREFORE, in pursuance of said motion, It is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Paul W. Sampsell, as Trustee, etc.,

Petitioner,

601 vs.

Imperial Paper and Color Corporation.

Argued by Mr. Thomas S. Tobin for the Petitioner and by Mr. Hiram E. Casey for the Respondent.

Sterling P. Harris, Administrator, etc.,

Petitioner,

629 vs.

Zion's SavingsBank and Trust Company.

Argued by Mr. J. D. Skeen for the Petitioner and by Mr. Hadlond P. Thomas for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 1, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Mahon, It is ordered that Maurice V. B. Brooks, Esquire, of Abilene, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that W. Hamilton Whiteford, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that William Walden Shepherd, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Thomas Taylor, It is ordered that George Frederick Unmacht, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Henry Walter, It is ordered that Burt L. Smelker, Esquire, of Washington, District

of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that George C. Saltzman, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Gray Williams, It is ordered that J. Sloan Kuykendall, Esquire, of Winchester, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin S. Puller, It is ordered that Harold J. Wiley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn Simmon, It is ordered that A. Camp Bonds, Esquire, of Muskogee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Garrett Scott, It is ordered that William Joseph McFarland, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that David Vorhaus, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Department of Treasury of the
State of Indiana, et al., etc.,

Petitioners,

654 vs.

The Wood Preserving Corporation.

Argument commenced by Mr. Joseph P. McNamara for the Petitioners; continued by Mr. Harry T. Ice for the Respondent; and concluded by Mr. Joseph W. Hutchinson for the Petitioners.

Department of Treasury of the
State of Indiana, et al., etc.,

Petitioners,

655 vs.

Ingram-Richardson Manufacturing Company of Indiana, Inc.

Argued by Mr. Joseph P. McNamara for the Petitioners and by Mr. Earl B. Barnes for the Respondent.

City Bank Farmers Trust Company,
as Trustee, etc.,

Petitioner,

408 vs.

Commissioner of Internal Revenue; and

City Bank Farmers Trust Company,
as Trustee, etc.,

Petitioner,

409 vs.

Commissioner of Internal Revenue.

Argued by Mr. Rollin Browne for the Petitioner and by Mr. Arnold Raum for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M. Michael Edelstein, It is ordered that J. Randall Creel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Samuel T. Gaines, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that Herman B. J. Weckstein, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence E. Martin, It is ordered that Clarence E. Martin, Jr., Esquire, of Martinsburg, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal E. Jackson, It is ordered that Harry A. Allan, Esquire, of Albany, State of New

York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer Kripke, It is ordered that Jack Goodman, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Wisconsin, et al.,

Complainants,

2, Original vs.

State of Illinois, et al.;

State of Michigan,

Complainant,

3, Original vs.

State of Illinois, et al.; and

State of New York,

Complainant,

4, Original vs.

State of Illinois, et al.

Report of the Special Master presented.

Forrest Holiday,

Petitioner,

14, Original vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

IT IS ORDERED that Charles A. Horsky, Esquire, of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Hughes.

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J. H. Wood and J. H. Knowlton,

Appellants,

709 vs.

T. S. Lovett, Jr.

Submitted by Mr. J. G. Burke for the Appellants and by Mr. Walter G. Riddick for the Appellee.

The United States,

Petitioner,

683 vs.

Herbert Rivington Pyne, et al., Executors, etc.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Allan G. Gartner for the Respondents.

New York, Chicago & St. Louis Railroad Company,

Appellant,

586 vs.

Dorothea T. Frank.

Argued by Mr. William J. Donovan for the Appellant and by Mr. Louis J. Vorhaus for the Appellee.

Caskey Baking Company, Inc.,

Appellant,

676 vs.

Commonwealth of Virginia.

Argument commenced by Mr. R. Gray Williams for the Appellant; continued by Mr. Abram P. Staples for the Appellee; and concluded by Mr. Clarence E. Martin for the Appellant.

The Baltimore and Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

Argument commenced by Mr. Morison R. Waite for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that

Montraville Walker Egerton, Esquire, of Knoxville, State of Tennessee; and

James Lee Clarke, Jr., Esquire, of Knoxville, State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that James Anderson Young, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph L. Hektoen, It is ordered that Leon M. Despres, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Ralph L. Haskell, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Baltimore and Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

Argument continued by Mr. Morison R. Waite for the Petitioner; by Mr. Samuel T. Gaines for the Respondent; and concluded by Mr. Harry H. Byrer for the Petitioner.

George C. Reitz,

Appellant,

686 vs.

Carroll E. Mealey, as Commissioner, etc.

Argued by Mr. Harry A. Allan for the Appellant and by Mr. Jack Goodman for the Appellee.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

627 vs.

William Flaccus Oak Leather Company.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. John A. McCann for the Respondent.

The People of the State of California,

Petitioner,

687 vs.

E. W. Thompson.

Argued by Mr. William J. McFarland for the Petitioner. No appearance for the Respondent.

Julia C. Gelfert, as Sole Surviving Executor, etc.,

Petitioner,

740 vs.

National City Bank of New York.

Argument commenced by Mr. George Link, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Gerhard A. Gesell, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Leonard A. Thomas, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Stafford, It is ordered that Robt. W. Dew, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene E. Heaton, It is ordered that W. Russell Mules, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. H. Thatcher, It is ordered that Reuben Ruthenburg, Esquire, of Louisville, State

of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Reitzel, It is ordered that Denis Mulligan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Julia C. Gelfert, as Sole Surviving Executor, etc.,

Petitioner,

740 vs.

National City Bank of New York.

Argument continued by Mr. George Link, Jr., for the Petitioners; by Mr. Barney B. Fensterstock for the Respondent; and concluded by Mr. George Link, Jr., for the Petitioners.

The Arkansas Corporation Commission, et al.,

Petitioners,

715 vs.

Guy A. Thompson, as Trustee of Missouri Pacific Railroad Company, Debtor.

Argued by Mr. Joseph M. Hill and Mr. Leffel Gentry for the Petitioners and by Mr. James M. Chaney for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that

Ernest A. Martin, Esquire, of Longview, State of Texas; and

W. M. Sutton, Esquire, of Amarillo, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nowlin Randolph, It is ordered that Clio Edwin Straight, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Spalding, It is ordered that John Young Brown, Esquire, of Lexington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jonathan C. Gibson, It is ordered that

Andrew C. Scott, Esquire, of Chicago, State of Illinois; and

John N. Monteith, Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alton H. Skinner, It is ordered that Joseph A. Lynch, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Martin J. Bernards and Lena Bernards, Petitioners,

54 vs.

M. R. Johnson, Catherine Collins, The United States National Bank of Portland, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, denying petition for recall and correction of mandate, etc., be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Oregon.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba, Petitioner,

133 vs.

The People of the State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed by an equally divided Court.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,
Petitioner,
134 vs.
The People of the State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Supreme Court, in this cause, denying the petition for writ of habeas corpus, be, and the same is hereby, affirmed by an equally divided Court.

Per Mr. Chief Justice Hughes.

New York, Chicago & St. Louis Railroad Company,
Appellant,
586 vs.
Dorothea T. Frank.

Appeal from the Supreme Court of the State of New York, Appellate Term, First Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Term, First Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, Appellate Term, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court.

Per Mr. Chief Justice Hughes.

Samuel R. Toucey,

Petitioner,

587 vs.

New York Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri.

Per Mr. Chief Justice Hughes.

Samuel White,

Petitioner,

697 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Samuel White,

Petitioner,

697 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Samuel White,

Petitioner,

697 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, on the confession of error filed by the Solicitor General, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California with directions to find the facts specially and state separately its conclusions of law in accordance with Rule 52(a) of the Rules of Civil Procedure.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

839 vs.

Building and Construction Trades Council of New Orleans, Louisiana, et al.

Appeal from the District Court of the United States for the Eastern District of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America,
Appellant,
vs.
The United Brotherhood of Carpenters and Joiners of America, et al.

840

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America,
Appellant,
vs.
International Hod Carriers' and Common Laborers' District Council of Chicago and Vicinity, et al.

841

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration or decision of this case.

A. F. & G. Realty Corporation, Goldie Markbreiter, Rebecca Fine, et al.,
Appellants,
vs.
The City of New York.

845

Appeal from the Supreme Court of the State of New York, County of Bronx.

THIS CAUSE came on to be heard on the transcript of the record

from the Supreme Court of the State of New York, County of Bronx, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment appealed from, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Samuel Lesser,

Petitioner.

ON CONSIDERATION of the application submitted herein by Samuel Lesser,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Charles H. Knight,

Petitioner.

---, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Charles Von Glahn,

Petitioner.

——, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Jack Shearer,

Petitioner.

——, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Wisconsin,
et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan,

Complainant,

3, Original vs.

The State of Illinois, et al.; and

The State of New York,

Complainant,

4, Original vs.

The State of Illinois, et al.

The Report of the Special Master herein is received and filed. IT IS ORDERED that exceptions to the said report, if any, be filed on or before April 15, next. The cause is assigned for hearing on Thursday, May 1, next, and briefs are to be exchanged and filed before that day.

Per Mr. Chief Justice Hughes.

Ora B. Macomber,

Petitioner,

692 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ora B. Macomber,

Petitioner,

692 vs.

Robert H. Hudspeth, Warden United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. Boone, et al.,

Petitioners,

802 vs.

Equitable Holding Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. Boone, et al.,
Petitioners,
802 vs.
Equitable Holding Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. H. Gale, et al.,
Petitioners,
811 vs.
Union Bag and Paper Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. H. Gale, et al.,
Petitioners,
811 vs.
Union Bag and Paper Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

814 vs.

Earl R. Wilson, Warden of Kilby Prison, Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

814 vs.

Earl R. Wilson, Warden of Kilby Prison, Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ORDER ALLOWING CERTIORARI.

IT IS ORDERED by this Court that the order entered November 12, 1940, denying certiorari in this case be, and the same is hereby, vacated; and that the petition for certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

STAY ORDER.

IT IS ORDERED that execution of the judgment and sentence of the Supreme Court of Alabama in this case be, and the same hereby is, stayed pending the final determination of this cause by this Court.

Per Mr. Chief Justice Hughes.

J. Bush Crenshaw,

Petitioner,

761 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari in this case be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Daniel D. Glasser,

Petitioner,

796 vs.

The United States of America.

ON CONSIDERATION of the suggestion of a diminution of the record in this case and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for a writ of certiorari herein be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Daniel D. Glasser,

Petitioner,

796 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Norton I. Kretske,

Petitioner,

797 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Alfred E. Roth,

Petitioner,

798 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Cloverleaf Butter Company,

Petitioner,

781 vs.

Haygood Patterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

803 vs.

Harry S. Emory, St. James Distillery, Inc., and St. James Distillery.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Springfield Court of Appeals, State of Missouri, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Royal Indemnity Company,

Petitioner,

817 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Elias Hackner, et al.,

Petitioners,

799 vs.

Guaranty Trust Company of New York and George Whitney, Individually, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Superior Tanning Company,
Petitioner,
784 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wenzel & Henock Construction Company,
Petitioner,
785 vs.
The Metropolitan Water District of Southern California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harrison Parker,
Petitioner,
804 vs.
People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Houston Lighting & Power Company, Petitioner, vs. City of West University Place, et al. — On petition for writ of certiorari to the Supreme Court of the State of Texas.

806

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward J. Darby & Son, Inc., Petitioner, vs. Walter J. Rothensies, Collector of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

807

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kenneth S. Clapp, Petitioner, vs. Stewart-Warner Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

808

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Edward McDonell,

Petitioner,

809 vs.

Mary Garee and Costa B. Garee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Consolidated Freightways, Inc.,

Petitioner,

810 vs.

The Railroad Commission of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jax Ice & Cold Storage Company, a Corporation, Trading as Jax Brewing Company,

Petitioner,

823 vs.

Conway P. Coe, United States Commissioner of Patents and Jackson Brewing Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Columbian National Life Insurance Company,

Petitioner,

824 vs.

Lena M. Rodgers.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Karl B. Segall, Transferee,

Petitioner,

828 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter F. Tant,

Petitioner,

829 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas F. Stein, Jr., Doing Business under the Name and Style of Stein Brokerage Co.,

Petitioner,

830 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton L. Leiby, et al.,

Petitioners,

837 vs.

City of Manchester, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas, et al.,

Petitioners,

856 vs.

Mission Independent School District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Kimmich,

Petitioner,

342 vs.

New York Clearing House Association, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Court will take a recess from Monday, April 14, until Monday, April 28, next.

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The United States of America,

Appellant,

618 vs.

Patrick B. Classic, et al.

Argued by Mr. Herbert Wechsler for the Appellant and by Mr. Warren O. Coleman for the Appellee.

Detrola Radio and Television Corporation,

Petitioner,

666 vs.

Hazeltine Corporation.

Argued by Mr. Samuel E. Darby, Jr., for the Petitioner and by Mr. William H. Davis for the Respondent.

Hudson & Manhattan Railroad Company,

Appellant,

628 vs.

The United States of America, et al.

Argument commenced by Mr. John F. Finerty for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Donald E. Kelley, Esquire, of McCook, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Hannah, It is ordered that J. N. Ogden, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Hamilton Houston, It is ordered that George M. Johnson, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Donald T. Winder, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard K. Stevens, It is ordered that Raymond S. Chisholm, Esquire, of Washington,

District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that E. Byron Singleton, Esquire, of Amarillo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert J. Bulkley, It is ordered that John Hall Kellogg, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Gordon Merritt, It is ordered that William L. F. Gardiner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Joseph Thomas Sylvester, Jr., Esquire, of Camden, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Hudson & Manhattan Railroad Company,

Appellant,

628 vs.

The United States of America, et al.

Argument continued by Mr. John F. Finerty for the Appellant; by Mr. Edward M. Reidy for the Appellees, The United States and Interstate Commerce Commission; by Mr. Charles Hershenstein for the Appellee, City of Jersey City; and concluded by Mr. John F. Finerty for the Appellant.

The Shamrock Oil and Gas Corporation,

Petitioner,

727 vs.

G. Obie Sheets and Chester Sheets, doing business as Priona Independent Oil Company.

Argued by Mr. W. M. Sutton for the Petitioner and by Mr. E. Byron Singleton for the Respondent.

H. J. Jenkins,

Petitioner,

732 vs.

James M. Kurn, et al.

Argued by Mr. Harry G. Waltner, Jr., for the Petitioner and by Mr. Frank C. Mann for the Respondents.

V. B. Kinney, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

Motion to substitute party petitioner submitted by Mr. Don Kelley for the Petitioner.

V. B. Kinney, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

ON CONSIDERATION of the motion to substitute O. M. Olsen, present Secretary of Labor of the State of Nebraska, as the party petitioner in place of V. B. Kinney,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

O. M. Olsen, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

Argument commenced by Mr. Don Kelley for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Robert S. Farrell, Jr., Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Cromelin, It is ordered that

John S. Wynne, Esquire, of Washington, District of Columbia; and

Emil M. Wulster, Esquire, of Hackensack, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that J. Norman Crannage, Esquire, of Syracuse, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O. M. Olsen, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

Argument continued by Mr. Don Kelley for the Petitioner; by Mr. Walter Gordon Merritt for the Respondents; and concluded by Mr. Don Kelley for the Petitioner.

Union Pacific Railroad Company, a Corporation, et al.,

Appellants,

594 vs.

The United States of America, et al.

Suggestion of a diminution of the record and motion for a writ of certiorari in that relation submitted by Mr. Jonathan C. Gibson for the Appellees, with leave to Appellants to file opposition or reply thereto within two days.

Union Pacific Railroad Company, a Corporation, et al.,

Appellants,

594 vs.

The United States of America, et al.

Four hours allowed for oral argument.

Argument commenced by Mr. Blake A. Williamson for the Appellant, city of Kansas City, Kans.; continued by Mr. Henry N. Ess for the Appellant, Union Pacific Railroad Co.; by Mr. James C. Wilson for the Appellee, The United States; and by Mr. William E. Kemp for the Appellee, the city of Kansas City, Mo.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 10, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that Lansing L. Mitchell, Esquire, of Sun, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Cox, It is ordered that

Aaron Heller, Esquire, of Passaic, State of New Jersey; and

Grenville L. Fowler, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Myers, It is ordered that John L. Bitner, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elias C. Alvord, It is ordered that Odin H. Johnson, Esquire, of Pontiac, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. P. Wenchel, It is ordered that William Gladstone Ruymann, Esquire, of Las Vegas, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Laura Maria Berrien, It is ordered that

Emilie N. Wanderer, of Yonkers, (Mrs.)
State of New York; and

Harold M. Grossman, Esquire, of Scarsdale,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry L. Siegel, It is ordered that

Robert Siegel, Esquire, of Lewistown,
State of Pennsylvania; and

Louis Loss, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Lambert, It is ordered that Clifford B. Kimberly, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Robert R. Lockwood, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Carlota Benitez Sampayo,

Petitioner,

90 vs.

The Bank of Nova Scotia.

Submitted by Mr. F. B. Fornaris and Mr. Elmer McClain for the Peti-

tioner and by Mr. Henri Brown and Mr. Walter L. Newsom, Jr., for the Respondent.

Union Pacific Railroad Company, a Corporation, et al.,

Appellants,

594 vs.

The United States of America, et al.

Argument continued by Mr. Jonathan C. Gibson for the Appellees, Atchison, Topeka and Santa Fe Ry. Co., et al.; and concluded by Mr. Thomas W. Bockes for the Appellant, Union Pacific Railroad Company.

The United States of America and Secretary of Agriculture,

Appellants,

640 vs.

Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, Deceased, et al.

Argued by Mr. Attorney General Jackson for the Appellants and by Mr. John B. Gage and Mr. Frederick H. Wood for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, APRIL 14, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Joseph H. Davis, Esquire, of Muncie, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Carll V. Kretsinger, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that

Robert Starr Allyn, Esquire, of New York, State of New York; and

Hyland R. Johns, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julius C. Martin, It is ordered that Onan A. Hydrick, Esquire, of Orangeburg, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Jerome C. Burrows, Esquire, of Rockland, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vivian A. Clements, Jr., It is ordered that Bernard T. D'Arcy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Lawrence A. Miner, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newman Alexander Townsend, It is ordered that Harold A. Seering, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cyril D. Hill, It is ordered that Orville H. Mills, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Appellant,	Appeal from the District Court of the United States for the
616 vs.	District of Colorado.
Leamon Resler and Leamon Resler, Doing Business as Resler Truck Line and as Brady Truck Line.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the

same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

R. H. Nye and L. C. Mayers, Petitioners, vs. The United States of America and W. B. Guthrie. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

558

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of North Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Roberts concur.

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The Chief Justice announced the following orders of the Court:

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Sterling P. Harris, Administrator of the Estate of Anna L. Harris, Deceased, Petitioner, vs. Zion's Savings Bank and Trust Company. — On writ of certiorari to the Supreme Court of the State of Utah.

629

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Commercial Molasses Corporation,

Petitioner,

584 vs.

New York Tank Barge Corporation, as Chartered Owner of the Tank Barge "T. N. No. 73".

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

On writ of certiorari to the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court.

Per Mr. Chief Justice Hughes.

George C. Reitz,

Appellant,

686 vs.

Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York.

Appeal from the District Court of the United States for the Northern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs by an equally divided Court.

Per Mr. Chief Justice Hughes.

Frank S. Connor, Appellant, vs. People of the State of California and Clyde I. Plummer, et al. — Appeal from the Supreme Court of the State of California.

922

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Frank S. Connor, Appellant, vs. People of the State of California and Clyde I. Plummer, et al. — Appeal from the Supreme Court of the State of California.

922

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank S. Connor,

Appellant,

922 vs.

People of the State of California and Clyde I. Plummer, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Joseph E. Jones,

Petitioner,

--- vs.

Robert H. Jackson, Attorney General.

ON CONSIDERATION of the application submitted herein by Joseph E. Jones,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Ellert L. McGrath,

Petitioner.

ON CONSIDERATION of the application submitted herein by Ellert L. McGrath,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Warren G. Myers,

Petitioner,

844 vs.

American Well Works.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Warren G. Myers,

Petitioner,

844 vs.

American Well Works.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Cahill,

Petitioner,

852 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Cahill,

Petitioner,

852 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chrysler Corporation, De Soto Motor Corporation, et al.,

Appellants,

870 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Commercial Credit Company, et al.,

Appellants,

897 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

853 vs.

The A. S. Kreider Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The City of New York,

Petitioner,

863 vs.

Michael Feiring, Trustee in Bankruptcy of National Studios, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

J. E. Pierce,

Petitioner,

833 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this application.

The Cuno Engineering Corporation,

Petitioner,

851 vs.

The Automatic Devices Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether claims 2, 3, and 11 of the Mead Patent No. 1,736,544 are valid, and the case is assigned for hearing immediately following No. 277.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Seminole Nation,

Petitioner,

815 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Davison-Paxon Company,

Petitioner,

818 vs.

Lisabeth Caldwell, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Power, W. J. Cordner, M. E. Kartchner, Jr. and Ray E. Loveless,

Petitioners,

825 vs.

Provo Bench Canal and Irrigation Company, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Utah and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mabel C. Herman, d b a Herman Oil Company,

Petitioner,

843 vs.

Travelers Mutual Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Gas and Electric Company,

Petitioner,

846 vs.

Deep Rock Oil Corporation, Debtor, Henry N. Greis, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Gas and Electric Company,
Petitioner,
847 vs.
Deep Rock Oil Corporation, Debtor,
Henry N. Greis, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

McQuay-Norris Manufacturing Company,
Petitioner,
862 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Huron Holding Corporation, et al.,
Petitioners,
212 vs.
Lincoln Mine Operating Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, April 28, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that

Elizabeth B. Davis, of Washington, (Mrs.)
District of Columbia; and

Samuel H. Shapiro, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that

Richard J. Barber, Esquire, of Rye,
State of New York;

Jerome Weber, Esquire, of Los Angeles,
State of California;

Myer L. Feldman, Esquire, of Holyoke,
State of Massachusetts,

Frank S. McCullough, Esquire, of Rye,
State of New York;

Claude Eugene Smith, Esquire, of Columbus,
State of Ohio;

Albert C. Bise, Esquire, of Seattle,
State of Washington; and

Irby C. Henry, Esquire, of Eminence,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Lapsley, It is ordered that

John Edward Thornton, Esquire, of Montgomery, State of Alabama; and

James A. Simpson, Esquire, of Birmingham, State of Alabama;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that

George Lamb Pepple, Esquire, of Goshen, State of Indiana; and

Melvin H. Specter, Esquire, of East Chicago, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Ellis G. Arnall, Esquire, of Newnan, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that

Thos. C. Hall, Esquire, of Temple, State of Texas;

Fred Hull, Esquire, of Beaumont, State of Texas; and

Milton B. Badt, Esquire, of Elko, State of Nevada;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that Kemble K. Kennedy, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence

Lewis, It is ordered that Fred E. Breisch, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Katherine M. Littell, It is ordered that Thela Shuck Henry, of Eminence, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Jack K. McFall, It is ordered that William A. Thurman, Esquire, of Brookline, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard M. Duncan, It is ordered that Richard Davenport Duncan, Esquire, of Saint Joseph, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Harvey M. Mabry, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Irving Dennison, It is ordered that LaNoiel Bernard Davis, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. H. Fisher, It is ordered that

Henry W. Balka, Esquire, of Philadelphia,
State of Pennsylvania; and

H. Leon Bennett, Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Whittier Shinn, It is ordered that Alexander Levene, Esquire, of New York,

State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank K. Nebeker, It is ordered that O. D. Hamlin, Jr., Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur R. Robinson, It is ordered that Oliver M. Loomis, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mary Agnes Brown, It is ordered that

Josephine Folk Lownsborough, of Washington, (Miss)
District of Columbia; and

Grace Anne Carter, of Washington, (Miss)
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Ryan, It is ordered that Florence Curoe, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Julius C. Martin, It is ordered that Claude Alexander Thompson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hotz, It is ordered that Gordon William Diesing, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. G. Carson, It is ordered that Wm. B. Giles, Esquire, of Detroit, State of Mich-

igan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Lee Loevinger, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. DeMott, It is ordered that Samuel Levinson, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert R. Grossman, It is ordered that Mary R. McLean, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Wayne C. Williams, It is ordered that Geo. Allan Smith, Esquire, of Monterey, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

627 vs.

William Flaccus Oak Leather Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Paul W. Sampsell, as Trustee in Bankruptcy for the Estate of Wilbur J. Downey, Also Known as W. J. Downey,

Petitioner,

601 vs.

Imperial Paper and Color Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Douglas.

Julia C. Gelfert, as Sole Surviving Executor of the Last Will and Testament of James J. Carpenter, Deceased,

Petitioner,

740 vs.

National City Bank of New York.

On writ of certiorari to the Supreme Court of the State of New York, Kings County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Kings County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

O. M. Olsen, Secretary of Labor of the State of Nebraska,

Petitioner,

671 vs.

State of Nebraska, ex rel. Western Reference & Bond Association, Inc., et al.

On writ of certiorari to the Supreme Court of the State of Nebraska.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Phelps Dodge Corporation,

Petitioner,

387 vs.

National Labor Relations Board.

National Labor Relations Board,

Petitioner,

641 vs.

Phelps Dodge Corporation.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause be, and the same is hereby, modified as indicated in the opinion of this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand

to the Board the two matters discussed under Fourth and Fifth of the opinion of this Court for the Board's determination of these issues.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or disposition of the case.

Opinion by Mr. Justice Murphy dissenting in part in which Mr. Justice Black and Mr. Justice Douglas concur.

Opinion by Mr. Justice Stone dissenting in part in which the Chief Justice joins.

Continental Oil Company, Petitioner, vs. National Labor Relations Board. — On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

413

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, and as so modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board for its judgment on the issue whether reinstatement will "effectuate the policies" of the Act, in the light of the opinion of this Court in the case of Phelps Dodge Corporation vs. National Labor Relations Board.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or disposition of this case.

The Chief Justice and Mr. Justice Stone reiterate the views expressed by them in the Phelps Dodge case.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy are of opinion that the Board's order should be affirmed for the reasons set forth by them in the Phelps Dodge case.

Pittsburgh Plate Glass Company,

Petitioner,

521 vs.

National Labor Relations Board.

Crystal City Glass Workers' Union,

Petitioner,

523 vs.

National Labor Relations Board.

On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Stone in which the Chief Justice and Mr. Justice Roberts concur.

City Bank Farmers Trust Company, as Trustee of a Trust Under the Last Will and Testament of Angier B. Duke, Deceased, for the Benefit of Anthony Newton Duke,

Petitioner,

408 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

City Bank Farmers Trust Company, as Trustee of a Trust Under the Last Will and Testament of Angier B. Duke, Deceased, for the Benefit of Angier B. Duke, Jr.,

Petitioner,

409 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

The United States,

Petitioner,

683 vs.

Herbert Rivington Pyne, Grafton Howland Pyne, Mary Pyne Filley and Percy R. Pyne, Jr., Executors of the Estate of Percy R. Pyne.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the Court of Claims for proceedings in accordance with the views expressed in the opinion of this Court.

Per Mr. Justice Black.

The Arkansas Corporation Commission and Fifty-one County Tax Collectors of Arkansas,

Petitioners,

715 vs.

Guy A. Thompson, as Trustee of Missouri Pacific Railroad Company, Debtor.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Caskey Baking Company, Inc.,

Appellant,

676 vs.

Commonwealth of Virginia.

Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

The Shamrock Oil and Gas Corporation,
Petitioner,
727 vs.
G. Obie Sheets and Chester Sheets, Doing Business as Friona Independent Oil Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Justice Stone.

The People of the State of California,
Petitioner,
687 vs.
E. W. Thompson.

On writ of certiorari to the Appellate Department of the Superior Court, Los Angeles County, State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Department of the Superior Court, Los Angeles County, State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Department of Treasury of the State of Indiana, et al., etc.,

Petitioners,

654 vs.

The Wood Preserving Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that the judgment of the District Court, in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana.

Per Mr. Chief Justice Hughes.

Lambiris Skiriotes,

Appellant,

658 vs.

The State of Florida.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Arthur W. Mitchell, Appellant, vs. The United States of America, Interstate Commerce Commission, Frank O. Lowden, et al.

577

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to set aside the order of the Interstate Commerce Commission and to remand the case to the Commission for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Hudson & Manhattan Railroad Company, Appellant, vs. The United States of America, Interstate Commerce Commission, and City of Jersey City.

628

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment
of CLEMENT J. McGOVERN.

It having been reported to the Court that the Supreme Court of the Commonwealth of Pennsylvania has entered an order disbarring Clement J. McGovern, of Chester, Pennsylvania, a member of the Bar of this Court, from practice as an attorney or counselor at law in the Commonwealth of Pennsylvania; and this Court by order of March 3, 1941, having suspended the said Clement J. McGovern from the practice of law in this Court and directed that a rule issue requiring him to show cause within forty (40) days why he should not be disbarred from the practice of law in this Court; and it appearing that the said rule was issued and served upon Clement J. McGovern, and that he has failed to file any return although the time for such return has expired;

IT IS ORDERED, That Clement J. McGovern be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

Ex parte Edward Kepford,
Petitioner.

---, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

535 vs.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

IT IS ORDERED that the opinion filed March 31, 1941, be amended by inserting in the first paragraph on page 6, after the word "question", the following:

"not only are above ordinary high water mark but also claim that they".

Per Mr. Chief Justice Hughes.

James J. Walsh,

Petitioner,

769 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James J. Walsh,

Petitioner,

769 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commercial Molasses Corporation,

Petitioner,

584 vs.

New York Tank Barge Corporation, as Chartered Owner of the Tank Barge "T. N. No. 73".

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

New York, Chicago & St. Louis Railroad Company,

Appellant,

586 vs.

Dorothea T. Frank.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Samuel R. Toucey,

Petitioner,

587 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is va-

cated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

603 vs.

Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

678 vs.

Frederick S. Kepner.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Jim Duckworth,

Appellant,

904 vs.

The State of Arkansas.

The statement of jurisdiction in this case having been filed and submitted to the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

826 vs.

Alice Gray Kales.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Stone.

The Chief Justice took no part in the consideration and decision of this application.

John Mangiaracino,

Petitioner,

835 vs.

Laclede Steel Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Phillips Petroleum Company,

Petitioner,

854 vs.

Mrs. Volney W. Taylor, Volney W. Taylor, J. L. Gray and Sabine Royalty Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Max M. Hirson, Permanent Receiver of the Debtor Appointed Pursuant to Article 23-A of the General Business Law of the State of New York, etc.,

Petitioner,

855 vs.

Lydia B. Koch.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

A. B. Gochenour, et al.,

Petitioners,

872 vs.

George and Frances Ball Foundation, George A. Ball and F. B. Bernard.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

James F. McKay, et al., Petitioners,
743 vs.
Retail Automobile Salesmen's Local Union #1067, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cities Service Oil Company, Petitioner,
834 vs.
B. P. Dunlap, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Continental Casualty Company, Petitioner,
848 vs.
Giller Concrete Company, Inc., and American Mutual Liability Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Milwaukee,
Petitioner,
849 vs.
City of West Allis.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis E. Ulm,
Petitioner,
850 vs.
Moore-McCormack Lines, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arcade-Sunshine Company, Inc.,
Petitioner,
864 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Haffenreffer Brewing Company, Petitioner,
865 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Newton Kalb, Petitioner,
816 vs.
Henry Feuerstein and Helen Feuerstein.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Daisy C. Tegtmeyer, Petitioner,
831 vs.
William H. Tegtmeyer, et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

On consideration of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Steamtug "Ariosa", Her Engines, etc., Henry Du Bois Sons Company, Claimant,

Petitioner,

860 vs.

Motor Vessel "Segundo" Her Engines, etc., A/S Ivarans Rederi, Claimant.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Steamtug "Ariosa", Her Engines, etc., Henry Du Bois Sons Company, Claimant,

Petitioner,

861 vs.

A/S Ivarans Rederi, Owner of the Motor Vessel "Segundo".

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nicholas J. Curtis,

Petitioner,

867 vs.

Utah Fuel Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lehigh Valley Railroad Company,
Petitioner,
873 vs.
J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delaware, Lackawanna & Western Railroad Company,
Petitioner,
874 vs.
J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erie Railroad Company, Petitioner, vs. J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

875

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New Jersey & New York Railroad Company, Petitioner, vs. J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

876

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Central Railroad Company, Petitioner, vs. J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

877

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York & Long Branch Railroad Company,

Petitioner,

878 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delaware, Lackawanna & Western Railroad Company,

Petitioner,

879 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erie Railroad Company,

Petitioner,

880 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lehigh Valley Railroad Company,

Petitioner,

881 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New Jersey & New York Railroad Company,

Petitioner,

882 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Central Railroad Company,

Petitioner,

883 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York & Long Branch Railroad Company,

Petitioner,

884 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delaware, Lackawanna & Western Railroad Company.

Petitioner,

885 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erie Railroad Company,

Petitioner,

886 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lehigh Valley Railroad Company,

Petitioner,

887 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New Jersey & New York Railroad Company,

Petitioner,

888 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Central Railroad Company,

Petitioner,

889 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York & Long Branch Railroad Company,

Petitioner,

890 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Independent Warehouses, Inc.,

Petitioner,

898 vs.

Regina Celeste Dimino, Widow, on behalf of Herself and Minor Child, Joseph Lawrence Dimino, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Northwestern Brewers Supply Company and Sturdy-Bilt Equipment Corporation,

Petitioners,

905 vs.

William J. Schmit, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Citizens National Bank of Waco, Texas,

Petitioner,

915 vs.

Fidelity & Deposit Company of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Funks Grove Grain Company,

Petitioner,

921 vs.

The Alton Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Earley,

Petitioner,

15, Original vs.

Chicago, Milwaukee, St. Paul & Pacific Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jeremiah D. Maguire and Ruth S. Maguire,

Petitioners,

346 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

472 vs.

Richard Van Nest Gambrill.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

473 vs.

Marjorie K. Campbell;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

474 vs.

Seymour H. Knox; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

475 vs.

Dorothy K. G. Rogers.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Public Service Commission of the State of Missouri, et al.,

Petitioners,

549 vs.

Brashear Freight Lines, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

776 vs.

Nebraska Bridge Supply & Lumber Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Cantey,

Petitioner,

789 vs.

McLain Line, Inc., and McLain Carolina Line, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sun-Maid Raisin Growers Association, et al.,

Appellants,

805 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Miss Annie C. Lewis,

Petitioner,

813 vs.

State of Louisiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Complainant,

12, Original vs.

The State of Alabama.

Argued on the Bill of Complaint and Answer by Mr. Assistant Attorney General Littell for the Complainant, and by Mr. J. Edward Thornton and Mr. John W. Lapsley for the Defendant.

Fred F. Edwards,

Appellant,

588 vs.

The People of the State of California.

Argument commenced by Mr. Samuel Slaff for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 29, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. L. Mendel Rivers, It is ordered that Jos. R. Bryson, Esquire, of Greenville, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Charles A. Mitchell, Esquire, of Vero Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roscoe Rizley, It is ordered that Page Belcher, Esquire, of Enid, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Crawford, It is ordered that Joseph O. Janousek, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Oscar B. Waddell, Esquire, of Washington, District

of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William I. Denning, It is ordered that Arthur O. Louis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. O'Connell, It is ordered that William H. McCormick, Esquire, of Mandan, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thos. H. Creighton, Jr., It is ordered that Walter R. Gottschalk, Esquire, of Hoboken, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fred P. Edwards,

Appellant,

588 vs.

The People of the State of California.

Argument continued by Mr. Samuel Slaff for the Appellant, and concluded by Mr. John H. Tolan for the Select Committee of the House of Representatives of the United States, appointed pursuant to House Resolution No. 63, April 22, 1940, to Investigate the Interstate Migration of Destitute Citizens, as amicus curiae, by special leave of Court; and case submitted by Mr. Charles A. Wetmore, Jr., for the Appellee.

Harry R. Swanson, as Secretary of State
of Nebraska, et al.,

Appellants,

312 vs.

Gene Buck, Individually, etc., et al.

Motion for leave to substitute parties appellant submitted by Mr. William J. Hotz for the Appellants.

Harry R. Swanson, as Secretary of State
of Nebraska, et al.,

Appellants,

312 vs.

Gene Buck, Individually and as President
of the American Society of Composers,
Authors and Publishers, et al.

ON CONSIDERATION of the motion to substitute the following incumbent state officers: Frank Marsh, Secretary of State; Lucien B. Johnson, State Treasurer; Ray C. Johnson, Auditor of Public Accounts; Walter R. Johnson, Attorney General; Walter G. Huber, County Attorney of Washington County; William T. Gleeson, County Attorney of Saunders County; John P. Misko, County Attorney of Valley County; Zelma Derry, County Attorney of Keith County; and Frank Glebe, County Attorney of Scotts Bluff County, as parties appellant in this case in place and stead of Harry R. Swanson, Walter H. Jensen, William H. Price, Richard C. Hunter, Grace Ballard, Charles H. Hood, Alvin B. Lee, Gerald J. McGinley, and Rush C. Clarke, respectively;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Hughes.

Frank Marsh, as Secretary of State
of Nebraska, et al.,

Appellants,

312 vs.

Gene Buck, Individually, etc., et al.

Argued by Mr. William J. Hotz for the Appellants and by Mr. Thomas G. Haight for the Appellees.

George Couper Gibbs, Individually and
as Attorney General of the State of
Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually, etc., et al.; and

Gene Buck, Individually, etc., et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and
as Attorney General of the State of
Florida, et al.

Motion to substitute J. Tom Watson, Individually and as Attorney General of the State of Florida, as a party in the place and stead of George Couper Gibbs, his predecessor in office, submitted by Mr. Thomas G. Haight in that behalf.

George Couper Gibbs, Individually and
as Attorney General of the State of
Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually, etc., et al.; and

Gene Buck, Individually, etc., et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.

Argument commenced by Mr. Thomas G. Haight for Gene Buck, et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, APRIL 30, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Warren P. Cunningham, Jr., Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Laurent K. Varnum, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Joseph Norman Leggat, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that

Hulette F. Aby, Esquire, of Tulsa,
State of Oklahoma; and

Earl Pruet, Esquire, of Oklahoma City,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that Vance Plauche, Esquire, of Lake Charles, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that

Jay S. Parker, Esquire, of Hill City, State of Kansas; and

Eugene W. Davis, Esquire, of Liberal, State of Kansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Murray C. Bernays, It is ordered that

George G. Ernst, Esquire, of New York, State of New York; and

Abraham Friedman, Esquire, of New York, State of New York; and

Parker Bailey, Esquire, of Ithaca, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Albert J. Meserow, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Mechlin, It is ordered that Wilmer Mechlin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Ganse, It is ordered that Carl Frederick Bauersfeld, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Parker Jones, It is ordered that Lambert H. Miller, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Charles J. Shaeffer, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually, etc., et al.; and

Gene Buck, Individually, etc., et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.

Argument continued by Mr. Thomas G. Haight for Buck, et al.; by Mr. Lucien H. Boggs and Mr. Tyrus A. Norwood for Gibbs, et al.; and concluded by Mr. Frank J. Wideman for Buck, et al.

Leave granted counsel for Gibbs, et al., to file an additional brief by Friday, next.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

684 vs.

Richard J. Reynolds.

Argument commenced by Mr. Thomas I Emerson for the Petitioner and continued by Mr. J. Gilmer Korner, Jr., and by Mr. Erwin N. Griswold for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MAY 1, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Robert Edgar Beck, Esquire, of Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Holden Tinkham, It is ordered that Bertram R. Coen, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank B. Appleman, It is ordered that Herman Merson, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde T. Ellis, It is ordered that

Mabel B. Griffin, of Little Rock, (Mrs.)
State of Arkansas; and

William A. Griffin, Esquire, of Little Rock,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. MacCracken, Jr., It is ordered that Henry Lee Olwell, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Robert S. Lemon, Esquire, of Pittsburg, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that William M. Moloney, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that James F. Egan, Esquire, of Springfield, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

684 vs.

Richard J. Reynolds.

Argument continued by Mr. Erwin N. Griswold for the Respondent and concluded by Mr. Thomas I. Emerson for the Petitioner.

Mary Flagler Cary,

Petitioner,

734 vs.

Commissioner of Internal Revenue;

Harry Harkness Flagler,

Petitioner,

735 vs.

Commissioner of Internal Revenue;

Estate of Annie L. Flagler, Deceased,
Harry Harkness Flagler, Executor,
Petitioner,

736 vs.

Commissioner of Internal Revenue; and

Jean Louise Matthews,

Petitioner,

737 vs.

Commissioner of Internal Revenue.

Argued by Mr. Roswell L. Gilpatric for the Petitioners and by Mr. Thomas I. Emerson for the Respondent.

L. R. Brooks,

Petitioner,

718 vs.

Archie Dewar, et al.

Argued by Mr. Warner W. Gardner for the Petitioner and by Mr. Milton B. Badt for the Respondents.

J. C. Lomax,

Petitioner,

729 vs.

The State of Texas.

Argued by Mr. F. S. K. Whittaker for the Petitioner and case submitted by Mr. Geo. W. Barcus and Mr. Lloyd Davidson for the Respondent.

Klaxon Company,

Petitioner,

741 vs.

Stentor Electric Manufacturing Company, Inc.

Argument commenced by Mr. John Thomas Smith for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Eugene Worley, Esquire, of Shamrock, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Sutherland, It is ordered that Walter G. Cooper, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis C. Cassidy, It is ordered that William F. Manasil, Esquire, of Burwell, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Heywood Hardy, It is ordered that Frank A. Liddell, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank

Coleman, It is ordered that John L. Walker, Esquire, of Roanoke, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Irelan, Jr., It is ordered that Donald Start Caruthers, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Burling, It is ordered that W. Graham Claytor, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin L. Newmyer, It is ordered that Joseph Alexander Kaufmann, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Heber H. Rice, It is ordered that Walter Abraham Bowers, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Klaxon Company,

Petitioner,

741 vs.

Stentor Electric Manufacturing Company, Inc.

Argument continued by Mr. Murray C. Bernays for the Respondent and concluded by Mr. John Thomas Smith for the Petitioner.

J. Rob Griffin, Administrator,
etc.,

Petitioner,

755 vs.

John D. McCoach, Trustee.

Argued by Mr. Charles J. Shaeffer for the Petitioner and by Mr. Carl B. Callaway for the Respondent.

The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan,

Complainant,

3, Original vs.

The State of Illinois, et al.; and

The State of New York,

Complainant,

4, Original vs.

The State of Illinois, et al.

Argument on Exceptions to the Report of the Special Master commenced by Mr. Albert J. Meserow for the Defendant, State of Illinois, and continued by Mr. Herbert J. Naujoks for the Complainants.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that Hugh A. Locke, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel C. Clark, Jr., It is ordered that

Eugene A. Nabors, Esquire, of New Orleans, State of Louisiana; and

Hubert L. Will, Esquire, of Milwaukee, State of Wisconsin;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that B. F. Swisher, Esquire, of Waterloo, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Robert G. Storey, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Sutherland, It is ordered that

F. M. Bird, Esquire, of Atlanta,
State of Georgia; and

Anton L. Etheridge, Esquire, of Atlanta,
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawson Romjue, It is ordered that

John Milton Campbell, Esquire, of Kirksville,
State of Missouri; and

Joseph A. Guimond, Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that Harold R. Donaghue, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Richard C. Flesch, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hammond E. Chaffetz, It is ordered that

Paul Lewis Wall, Esquire, of Washington,
District of Columbia; and

John E. Dougherty, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Clifford Evans Hughes, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Lange, It is ordered that Glenn W. Clark, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Eugene Keller, It is ordered that Dominick Blasi, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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H. J. Jenkins,

Petitioner,

732 vs.

James M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Department of Treasury of the State of Indiana, et al., etc.,

Petitioners,

655 vs.

Ingram-Richardson Manufacturing Company of Indiana, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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J. C. Lomax,
Petitioner,
729 vs.
The State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

A. M. Odom, O. L. Mounce and J. A. Davis,
Petitioners,
827 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

A. M. Odom, O. L. Mounce and J. A. Davis,

Petitioners,

827 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. M. Odom, O. L. Mounce and J. A. Davis,

Petitioners,

827 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and on confession of error filed by the Solicitor General and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Northwest Linseed Company,

Appellant,

934 vs.

The State of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Martin J. Bernards and Lena Bernards,

Petitioners,

54 vs.

M. R. Johnson, Catherine Collins, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,

Petitioner,

133 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is va-

cated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Major Raymond Lisenba,

Petitioner,

134 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is vacated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Fred P. Edwards,

Appellant,

588 vs.

The People of the State of California.

O R D E R

Reargument is ordered. The case is set for oral argument on Monday, October 13, next, and the Attorney General of the State of California is requested to appear either in person or by his representative to present the views of the State with particular reference to the judicial or administrative interpretation by State authorities of the statute involved.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

857 vs.

Paul Klein-Exel, Trustee of the Estate of William J. Newman Company, Bankrupt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

857 vs.

Paul Klein-Exel, Trustee of the Estate of William J. Newman Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for the writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

858 vs.

Thomas J. McManus, Trustee in Bankruptcy of William J. Newman, Bankrupt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

858 vs.

Thomas J. McManus, Trustee in Bankruptcy of William J. Newman, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for the writ of certiorari was not filed within the time provided by law.

PER MR. CHIEF JUSTICE HUGHES.

The United States of America,

Petitioner,

903 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed and Mr. Justice Murphy took no part in the consideration and decision of this application.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

767 vs.

Home Owners' Loan Corporation.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

767 vs.

Home Owners' Loan Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

McLaughlin Land and Livestock Company,

Petitioner,

866 vs.

Bank of America National Trust and Savings Association.

On petition for writ of certiorari to the District Court of Appeal, 1st Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 1st Appellate District, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Niagara Hudson Power Corporation,

Petitioner,

871 vs.

James J. Hoey, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

National Labor Relations Board, Petitioner, vs. E. I. Du Pont de Nemours & Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

894

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

National Labor Relations Board, Petitioner, vs. Association of Chemical Employees at Belle Works of E. I. DuPont de Nemours & Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

895

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Max Hamburger,

Petitioner,

899 vs.

John A. Dyer, Trustee, Louis H. Charbonneau, Thomas N. Dysart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Max Hamburger,

Petitioner,

900 vs.

John A. Dyer, Trustee, Louis H. Charbonneau, Thomas N. Dysart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

901 vs.

Hyman Wohl and Louis Platzman.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ruth E. Layton, Farmers Union and Layton Sugar Company,

Petitioners,

891 vs.

William J. Thayne, Davis County Bank, Walter Wright, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas J. Buttars, Sr.,

Petitioner,

892 vs.

Utah Mortgage Loan Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Payne Furnace and Supply Company, Inc.,

Petitioner,

893 vs.

Williams-Wallace Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Campbell,

Petitioner,

896 vs.

American Foreign Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Armature Exchange Incorporated, Also Known as The Armature Exchange, Also Known as The Armature Exchange Incorporated,

Petitioner,

902 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry V. McGurren,

Petitioner,

923 vs.

Gladys McVeigh, In Her Own Person and as Guardian of the Persons and Estates of Thomas McConnell, et al., Minors.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wright Morrow,

Petitioner,

925 vs.

Frank Scofield, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Chesapeake and Ohio Railway Company,

Petitioner,

930 vs.

Elmer Richardson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. Ely Goldsmith,

Petitioner,

729 O.T. 1939 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Consolidated Freightways, Inc.,

Petitioner,

810 vs.

The Railroad Commission of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

IT IS ORDERED that the call of the docket, except as otherwise directed, be suspended for the Term upon the conclusion of the argument in case No. 853, and that the Court will then take a recess until Monday, May 12.

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The State of California,

Complainant,

—, Original vs.

The United States.

Motion for leave to file complaint presented.

The State of Wisconsin, et al.,

Complainant,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan,

Complainant,

3, Original vs.

The State of Illinois, et al.; and

The State of New York,

Complainant,

4, Original vs.

The State of Illinois, et al.

Argument on Exceptions to the Report of the Special Master continued by Mr. Herbert H. Naujoks for the Complainants; by Mr. Timothy F. Cohan for the Complainant, State of New York; by Mr. Thomas J. Herbert for the Complainant, State of Ohio; and concluded by Mr. Albert J. Meserow for the Defendant, State of Illinois.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

Argued by Mr. Walter S. Smith for the Petitioner and by Mr. Thomas S. Lawson for the Respondent.

Forrest Holiday,

Petitioner,

14, Original vs.

James A. Johnston, Warden.

Argument commenced by Mr. Charles A. Horsky for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MAY 6, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Onan Whitehurst, Esquire, of Brooksville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Stanley Ford, It is ordered that Raymond G. Betsch, Esquire, of West Englewood, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Weldon P. Monson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Gluck, It is ordered that Lawrence J. Greene, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Breuer, It is ordered that Francis J. Gabel, Esquire, of Los Angeles, State

of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that Robert M. Flynn, Esquire, of Cottonwood, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sol Charles Levine, It is ordered that

Milton Sandberg, Esquire, of New York, State of New York; and

Morris L. Heath, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Victor Rogers Taylor, It is ordered that

Carlton C. Arnow, Esquire, of Jacksonville, State of Florida; and

P. Guy Crews, Esquire, of Jacksonville, State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer C. Corry, It is ordered that

Oscar T. Martin II, Esquire, of Springfield, State of Ohio; and

John C. Durfey, Esquire, of Springfield, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Herberg, It is ordered that Gareth M. Neville, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey J. Gunderson, It is ordered that

Morris Levinson, Esquire, of Minneapolis,
State of Minnesota; and

De Witt C. Schieck, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Fillmore Smith, It is ordered that T. Edward O'Connell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Simon M. Newman, It is ordered that David B. McCalmont, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Forrest Holiday,

Petitioner,

14, Original vs.

James A. Johnston, Warden, etc.

Argument continued by Mr. Charles A. Horsky for the Petitioner; continued by Mr. Herbert Wechsler for the Respondent; and concluded by Mr. Charles A. Horsky for the Petitioner.

State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma,

Appellant,

832 vs.

Guy F. Atkinson Company, et al.

Argument commenced by Mr. C. C. Hatchett for the Appellant and continued by Mr. Assistant Solicitor General Fahy for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MAY 7, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that George W. Hutchinson, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that Andrew J. Parks, Esquire, of Marshall, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that

Cornelius J. Harrington, Esquire, of Chicago, State of Illinois; and

James A. Harrington, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josiah Lyman, It is ordered that Kathryn M. Masco, of Springfield, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. W. Wallace Fry, It is ordered that Thomas F. McDonald, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nowlin Randolph, It is ordered that James Christian Dorbandt, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma,

Appellant,

832 vs.

Guy F. Atkinson Company, et al.

Argument continued by Mr. Assistant Solicitor General Fahy for the Appellees and concluded by Mr. Randell S. Cobb for the Appellant.

The Royal Indemnity Company,

Petitioner,

817 vs.

The United States of America.

Argued by Mr. Harry S. Hall for the Petitioner and by Mr. Edward J. Ennis for the Respondent.

The City of New York,

Petitioner,

863 vs.

Michael Feiring, Trustee in Bankruptcy of National Studios, Inc.

Argued by Mr. Paxton Blair for the Petitioner and by Mr. Benjamin Siegel for the Respondent.

The United States of America,

Petitioner,

853 vs.

The A. S. Kreider Company.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Alexander Levene for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Frank Murphy.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

E. Albert Pallot, Esquire, of Tallahassee,
State of Florida;

George R. Hillstrom, Esquire, of Chicago,
State of Illinois; and

Muriel Mawer, of Seattle, (Miss)
State of Washington;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Morrice S. Uman, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that

Edward L. Watson, Esquire, of Paterson,
State of New Jersey;

William A. Hengeveld, Esquire, of Paterson,
State of New Jersey; and

George F. Miller, Esquire, of Paterson,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. K. Wheeler, It is ordered that James D. C. Murray, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Pinkus, It is ordered that Meyer Schifrin, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin F. Smith, It is ordered that Warner A. Ackerman, Esquire, of Aberdeen, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Allan Kertz, It is ordered that Joseph K. Inness, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Frederick Herman Korth, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James H. Howard, It is ordered that Donald M. Keith, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Frank G. Marshall, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George

Kenney Bowden, It is ordered that George F. Barrett, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Martin, It is ordered that John C. Stanley, Esquire, of Ashland, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Hayes, It is ordered that Albert T. Hanby, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David C. Colladay, It is ordered that Anna Brenner Meyers, of Miami Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Richard H. Lowe, Esquire, of Glen Rock, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald R. Richberg, It is ordered that Charles W. Bishop, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Harry O. Wallace, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Jesse W. Carter, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that

Joseph H. Freehill, Esquire, of Washington, District of Columbia; and

Edward S. Graves, Esquire, of Lynchburg, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mchundro, It is ordered that Roy E. Cogdill, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Just, It is ordered that Roy N. Envall, Esquire, of Drexel Hill, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob N. Wasserman, It is ordered that H. Byron Mock, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Carlota Benitez Sampayo, Petitioner, vs. The Bank of Nova Scotia. — On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

90

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for consideration of other questions in the light of the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Stone did not participate in the consideration or decision of this case.

Detrola Radio and Television Corporation,

Petitioner,

666 vs.

Hazeltine Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

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Ella H. Tinkoff and Paysoff Tinkoff,

Petitioners,

869 vs.

Ben J. Gold, Trustee, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ella H. Tinkoff and Paysoff Tinkoff,

Petitioners,

869 vs.

Ben J. Gold, Trustee, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ella H. Tinkoff and Paysoff Tinkoff,

Petitioners,

869 vs.

Ben J. Gold, Trustee, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed with costs, upon the ground that while the failure to produce the surety for examination was an adequate reason for vacating the approval of the supersedeas bond, it did not justify the dismissal of the appeal.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Claude Steeley,

Petitioner,

919 vs.

J. M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Claude Steeley,

Petitioner,

919 vs.

J. M. Kurn and John G. Lonsdale, Trustees of the St. Louis-San Francisco Railway Company.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Safe Harbor Water Power Corporation,

Appellant,

907 vs.

The United States of America, Leland Olds, Clyde L. Seavey, et al., etc.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Safe Harbor Water Power Corporation, Appellant,

908 vs.

The United States of America, Leland Olds, Clyde L. Seavey, et al., etc.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Samuel D. Orwitz, Appellant,

938 vs.

Board of Dental Examiners of the State of California.

Appeal from the District Court of Appeal of the State of California, 1st Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 1st Appellate District, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

The State of California,

Plaintiff,

—, Original vs.

The United States of America.

On motion for leave to file complaint.

ON CONSIDERATION of the motion for leave to file the complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Paul Wesley Parker,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George C. Reitz,

Appellant,

686 vs.

Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment is va-

cated and the case is restored to the docket for reargument and assigned for hearing on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

James W. Roland,

Petitioner,

929 vs.

Port Compress Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James W. Roland,

Petitioner,

929 vs.

Port Compress Company.

On petition for writ of certiorari to the County Court of Nueces County, State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of Nueces County, State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Trust Company and Thomas F. McGlone, Jr., as Executors, etc., et al.,

Appellants,

968 vs.

Chase L. Day, as Executor, etc.

The statement of jurisdiction in this case having been filed

and submitted to the Court, probable jurisdiction is noted. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

The United States of America and
Interstate Commerce Commission,

Appellants,

970 vs.

N. E. Rosenblum Truck Lines, Inc.

The statement of jurisdiction in this case having been filed and submitted to the Court, probable jurisdiction is noted.

Per Mr.Chief Justice Hughes.

The United States of America and
Interstate Commerce Commission,

Appellants,

971 vs.

J. B. Margolies, an Individual Doing Business as Manhattan Truck Lines.

The statement of jurisdiction in this case having been filed and submitted to the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

906 vs.

The State of Texas, et al.

The petition herein for a writ of certiorari to the Court of Civil Appeals, 2d Judicial District, State of Texas, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

909 vs.

The Kansas Flour Mills Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

E. V. Parker, Deputy Commissioner, United States Employees' Compensation Commission,

Petitioner,

926 vs.

Motor Boat Sales, Incorporated.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Abraham L. Shushan,

Petitioner,

910 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Robert J. Newman and Norvin T. Harris, Jr.,

Petitioners,

911 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a supplemental petition in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this motion.

Robert J. Newman and Norvin T. Harris, Jr.,

Petitioners,

911 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Henry J. Miller,

Petitioner,

912 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herbert W. Waguespack,

Petitioner,

913 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Frank L. Weil, William E. Russell and Raymond J. Scully, as Trustees Under a Declaration of Trust Dated April 7, 1936, etc.,

Petitioners,

916 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Stone.

The Chief Justice took no part in the consideration and decision of this application.

First National Bank of Temple,

Petitioner,

935 vs.

Continental Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Davies Co., Inc.,

Petitioner,

936 vs.

The People of the State of Illinois, ex rel. John L. Toman, County Treasurer and Ex-Officio County Collector of Cook County, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Equitable Life Assurance Society of the United States,

Petitioner,

937 vs.

Stanley A. Marshall, Administrator of the Estate of Jacob M. Marshall, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Josephine Jump, nee Strikeaxe, et al.,

Petitioners,

940 vs.

Harold L. Ickes, Secretary of the Department of the Interior of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Travelers Insurance Company,

Petitioner,

949 vs.

Mildred T. Wilkins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from today until Monday, May 26, and from that day until Monday, June 2, upon which day it will adjourn for the Term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the Term.

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Liberty Mutual Insurance Company, Petitioner, vs. Earl William Lee. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

918

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, In pursuance of said motion, It is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, May 26, next, at 12 o'clock.

MONDAY, MAY 26, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Francis Biddle, It is ordered that

Gerald J. Meindl, Esquire, of Portland,
State of Oregon;

C. Laird McKenna, Esquire, of Portland,
State of Oregon;

C. Wayland Brooks, Esquire, of Chicago,
State of Illinois;

Julius F. Trefz, Esquire, of Chicago,
State of Illinois;

Vernon C. Stoneman, Esquire, of Boston,
State of Massachusetts;

Thomas L. McKevitt, Esquire, of Ironwood,
State of Michigan;

Maurice G. Shanberg, Esquire, of Chicago,
State of Illinois;

Diana D. Coopersmith, of Miami Beach, (Miss)
State of Florida;

A. B. Culbertson, Esquire, of Fort Worth,
State of Texas;

O. W. Smith, Jr., Esquire, of Chicago,
State of Illinois;

Robert G. Clostermann, Esquire, of Portland,
State of Oregon;

Sam T. Cook, Esquire, of Houston,
State of Texas;

James W. Wallace, Esquire, of Mound City,
State of Kansas; and

Leonard B. Slosson, Esquire, of Los Angeles,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Jean R. Meyer, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that

Charles Edward Markeles, Esquire, of Atlanta,
State of Georgia; and

William Boone Stanfield, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vance Plauche, It is ordered that

Philip Gensler, Esquire, of New Orleans,
State of Louisiana; and

Alex L. Andrus, Jr., Esquire, of Eunice,
State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that John B. Sullivan, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that

Mercer Brown, Esquire, of Saint Petersburg,
State of Florida; and

John D. Shepard, Esquire, of Cocoa,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Richard M. Krannawitter, Esquire, of Vaughn, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that Webb M. Mize, Esquire, of Gulfport, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Noble J. Johnson, It is ordered that Harold H. Wisehart, Esquire, of Clinton, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that William C. O'Keefe, Esquire, of Saginaw, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Milton D. Hughes, Esquire, of Athens, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Marjorie Roemler Kinnaird, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Leonard A. Worthington, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Albert W. Shupienis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Frank O. Ray, Esquire, of Alpine, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Earle Tyler Shoup, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Hoffman, It is ordered that Arnold C. Rood, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Emma Helen Begg, It is ordered that Roderick B. Travis, Esquire, of White Plains, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felthan Watson, It is ordered that Howard J. Newmark, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry S. Ridgely, It is ordered that Gerald R. Knudson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Garrett Scott, It is ordered that George P. Guy, Esquire, of Cheyenne, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reed T. Rollo, It is ordered that Russell P. Place, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Sher, It is ordered that Edmond Borgia Butler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that F. Gwyn Harper, Jr., Esquire, of Hickory, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert R. Grossman, It is ordered that Aloysius J. Bier, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that Welborn B. Cody, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Alexander Bishoff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wheeler Cleaton, It is ordered that Joseph B. O'Neill, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George F. von Kolnitz, Jr., It is ordered that Thos. C. Fisher, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Richardson, It is ordered that William R. Lichtenberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul E. Hadlick, It is ordered that Curtis D. Cecil, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Milton Campbell, It is ordered that Herbert Miller Kidner, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Guimond, It is ordered that William James Galvin, Jr., Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Henry P. Elliott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren McLaine, It is ordered that William Edward Hilbert, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earle Whittier Shinn, It is ordered that William Geo. Fitzpatrick, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Townsend, It is ordered that John L. Grant, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Kirkland, It is ordered that

Edwin S. Bettelheim, Jr., Esquire, of Washington, District of Columbia; and

Walter S. Welsh, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Joseph E. Brodinsky, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

t in this behalf by Mr. Charles B.
, Esquire, of Washington, District
Attorney and Counsellor of this

t in this behalf by Mr. Paul B.

f Washington,
District of Columbia; and

lood-Ridge,
State of New Jersey;

ounsellors of this Court, and they

t in this behalf by Mr. Austin F.
ony, Esquire, of Biddeford, State of
rney and Counsellor of this Court,

rt in this behalf by Mr. George
ly, Esquire, of Los Angeles, State
an Attorney and Counsellor of this

rt in this behalf by Mr. Ralph Hoyt
nshaw, Esquire, of Chicago, State of
ttorney and Counsellor of this Court,

rt in this behalf by Mr. Howard Cecil

Such petition must be printed and forty copies thereof furnished. It must briefly and distinctly state its grounds, and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. A petition for rehearing is not subject to oral argument, and will not be granted, unless a justice who concurred in the judgment or decision desires it, and a majority of the court so determines.

(a) A response, if printed and forty copies thereof furnished, accompanied by proof of service, may be filed with the clerk within ten days after service of petition, unless the time is shortened or enlarged by the court or a justice thereof. Such response is not required, and the court will not delay its action upon a petition for rehearing to await a response thereto, unless a response is requested by the court.

2. *Of orders on petitions for writs of certiorari.*—A petition for rehearing may be filed with the clerk in term time or in vacation, subject to the requirements respecting time, service, printing, and number of copies furnished as provided in paragraph 1 of this rule. Any petition filed under this paragraph must briefly and distinctly state grounds which are confined to intervening circumstances of substantial or controlling effect (e. g., *Sanitary Refrigerator Co.* v. *Winters*, 280 U. S. 30, 34, footnote 1; *Maxey* v. *United States*, 291 U. S. 608), or to other substantial grounds available to petitioner although not previously presented (e. g., *Schriber-Schroth Co.* v. *Cleveland Trust Co.*, 305 U. S. 47, 50). Such petition is not subject to oral argument. A petition for rehearing filed under this paragraph must be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay, and counsel must also certify that the petition is restricted to the grounds above specified.

(a) A response, if printed and forty copies thereof furnished, accompanied by proof of service, may be filed with the clerk within ten days after service of petition, unless the time is shortened or enlarged by the court or a justice thereof."

IT IS FURTHER ORDERED that the Rule as herein amended shall be applicable to all cases in which the action of the Court is taken after January 1, 1948.

No. —. In re David Livingston. The motion to amend the attorney roll to show the change of name of David Livingston Levy to David Livingston is granted.

No. —. In re Joseph E. Brodine. The motion to amend the attorney roll to show the change of name of Joseph E. Brodinsky to Joseph E. Brodine is granted.

No. 418, October Term, 1946. National Labor Relations Board, petitioner, v. Jones & Laughlin Steel Corporation. The application of

On motion first made to the Court in this behalf by Mr. Paul E. Hadlick, It is ordered that Curtis D. Cecil, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Milton Campbell, It is ordered that Herbert Miller Kidner, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Guimond, It is ordered that William James Galvin, Jr., Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Henry P. Elliott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren McLaine, It is ordered that William Edward Hilbert, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earle Whittier Shinn, It is ordered that William Geo. Fitzpatrick, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Townsend, It is ordered that John L. Grant, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Kirkland, It is ordered that

Edwin S. Bettelheim, Jr., Esquire, of Washington, District of Columbia; and

Walter S. Welsh, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Joseph E. Brodinsky, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Paul B. Martin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Cromelin, It is ordered that

Paul F. Douglass, Esquire, of Washington,
District of Columbia; and

Murray Ludmer, Esquire, of Wood-Ridge,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Denis F. Mahony, Esquire, of Biddeford, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Slaff, It is ordered that Jack Wagner Hardy, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Hoyt Case, It is ordered that Joseph Howard Hinshaw, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil

Kilpatrick, It is ordered that David W. Byron, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Labofish, It is ordered that DeWitt Harry, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Louis A. McKeown, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that

Chas. Goldman, Esquire, of New York, State of New York; and

Gustave J. Rosen, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hubert L. Will, It is ordered that Clark G. Clinton, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that Mathew O. Tobriner, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph G. Albrecht, It is ordered that Frederick M. Davenport, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Richard M. Leonard, Esquire, of San Francisco,

State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that James J. Morrison, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Marion Maxwell Caskie, Jr., Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,	On writ of certiorari to the
Petitioner,	United States Circuit Court of
853 vs.	Appeals for the Third Circuit.
The A. S. Kreider Company.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Pennsylvania with directions to dismiss the petition.

Per Mr. Justice Murphy.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

684 vs.

Richard J. Reynolds.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Mary Flagler Cary,

Petitioner,

734 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Harry Harkness Flagler,

Petitioner,

735 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Estate of Annie L. Flagler, Deceased, Harry Harkness Flagler, Executor,

Petitioner,

736 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Jean Louise Matthews,

Petitioner,

737 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting: The Chief Justice and Mr. Justice Roberts.

The United States of America and Secretary of Agriculture,

Appellants,

640 vs.

Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, Deceased, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court dated May 29, 1940, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Reed did not participate in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.

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Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.,

Appellants,

611 vs.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.

ON CONSIDERATION of the motion to substitute J. Tom Watson, individually and as Attorney General of the State of Florida as a party appellant in No. 610 and as a party appellee in No. 611 in place and stead of George Couper Gibbs, his predecessor in office,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

J. Tom Watson, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

610 vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.

Appeal from the District Court of the United States for the Northern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the decree of the District Court as is under review on the appeal of J. Tom Watson, Individually and as Attorney General of the State of Florida, et al., in this cause, be, and the same is hereby, re-

versed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with instructions to dismiss the bill.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al., Appellants,

vs.

J. Tom Watson, Individually and as Attorney General of the State of Florida, et al.

Appeal from the District Court of the United States for the Northern District of Florida.

611

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the decree of the District Court as is under review on the appeal of Gene Buck, et al., in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Frank Marsh, as Secretary of State of Nebraska, et al., Appellants,

vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.

Appeal from the District Court of the United States for the District of Nebraska.

312

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same

is hereby, remanded to the said District Court with instructions to dismiss the bill.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Forrest Holiday,
Petitioner,
14, Original vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

L. R. Brooks,
Petitioner,
718 vs.
Archie J. Dewar, et al.

On writ of certiorari to the Supreme Court of the State of Nevada.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nevada, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

J. H. Wood and J. H. Knowlton, Appellants, vs. T. S. Lovett, Jr. — Appeal from the Supreme Court of the State of Arkansas.

709

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

The City of New York, Petitioner, vs. Michael Feiring, Trustee in Bankruptcy of National Studios, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

863

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Justice Roberts.

The Royal Indemnity Company,
Petitioner,
817 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

The United States of America,
Appellant,
618 vs.
Patrick B. Classic, John A. Morris, Bernard W. Yeager, Jr., William Schumacher, and J. J. Pleddermann.

Appeal from the District Court of the United States for the Eastern District of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

The Chief Justice took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

The United States of America,

Plaintiff,

12, Original vs.

The State of Alabama.

D E C R E E

THIS CAUSE came on to be heard on the complaint and answer, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows:

The tax sales, made pursuant to the decrees of the Probate Court of Macon County, Alabama, on June 12, 1939, of the tracts of land situate in the County of Macon, Alabama, and fully described in paragraph 1 of the complaint, are hereby declared to be void and are set aside.

The certificates of purchase relating to the tracts of land issued by the Probate Court of Macon County to the State of Alabama are hereby declared to be void and are set aside.

The complaint of the United States in all other respects is dismissed.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois and Sanitary District of Chicago;

The State of Michigan,

Complainant,

3, Original vs.

The State of Illinois and Sanitary District of Chicago; and

The State of New York,

Complainant,

4, Original vs.

The State of Illinois and Sanitary District of Chicago.

THESE CAUSES came on to be heard on the petition and the modified petition of the State of Illinois for a temporary modification of the decree of this Court entered April 21, 1930, the report of the Special Master, the exceptions of the parties thereto, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the exceptions to the report of the Special Master be, and the same are hereby, overruled, and the report is confirmed. The petition and the modified petition of the State of Illinois are dismissed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy took no part in the consideration and decision of these cases.

Mr. Justice Black dissents.

Joe Vernon,

Petitioner,

449 vs.

State of Alabama.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

IT IS ORDERED that, pursuant to the provisions of Public Resolution No. 50, 76th Congress, approved August 10, 1939, there be transferred $300 from the appropriation "Miscellaneous Salaries, United States Courts, 1940," to the appropriation designated "Contingent Expenses, Administrative Office of the United States Courts, 1940," the above amount to be in addition to amounts heretofore transferred by orders of November 6, 1939, and April 22, 1940.

Per Mr. Chief Justice Hughes.

O R D E R

IT IS ORDERED by this Court that George P. Longsdorf, of Oakland, California, be, and he hereby is, appointed a member of the Advisory Committee appointed February 3, 1941, to assist the Court in the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States.

Per Mr. Chief Justice Hughes.

O R D E R

IT IS ORDERED that paragraph 7 of Rule 32 of the Rules of this Court be amended so as to read as follows:

7. In pursuance of the Act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk of this court the following table is adopted:

For docketing a case and filing and indorsing the transcript of the record, fifteen dollars.

For entering an appearance, twenty-five cents.

For entering a continuance, twenty-five cents.

For filing a motion, order, or other paper, twenty-five cents.

For entering any rule or for making or copying any re-

cord or other paper, twenty cents per folio of each one hundred words.

For transferring each case to a subsequent docket and indexing the same, one dollar.

For entering a judgment or decree, one dollar.

For every search of the records of the court, one dollar.

For a certificate and seal, two dollars.

For receiving, keeping, and paying money in pursuance of any statute or order of court, two per cent. on the amount so received, kept and paid.

For an admission to the bar and certificate under seal, including filing of preliminary certificate and statements, fifteen dollars.

For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, ten cents per folio of each one hundred words; but where the necessary printed copies of the record as printed for the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision.

For making a manuscript copy of the record, when required under Rule 13, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing.

For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements or motions when required by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the pagination of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

For a mandate or other process, ten dollars.

For an order on petition for writ of certiorari, five dollars.

For filing briefs, ten dollars for each party appearing.

For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars.

IT IS FURTHER ORDERED that this order shall apply to all cases docketed on or after July 1st, 1941.

May 23d, 1941.

CHARLES E. HUGHES
Chief Justice.

Ex parte Charles N. Williams,

Petitioner.

ON CONSIDERATION of the application submitted herein by Charles N. Williams,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Joseph Poresky,

Petitioner.

ON CONSIDERATION of the application submitted herein by Joseph Poresky,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Emmet H. Bozel,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to a further application to the United States District Court for the District of Kansas, and for proceedings thereon in accordance with the decisions in Walker v. Johnston, No. 173, decided February 10, 1941, and Holiday v. Johnston, No. 14, Original, decided May 26, 1941.

Per Mr. Chief Justice Hughes.

Ex parte Ernest J. Anderson,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Clarence M. Brummitt,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte John W. Meyers,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois and Sanitary District of Chicago, et al.;

The State of Michigan,

Complainant,

3, Original vs.

The State of Illinois and Sanitary District of Chicago, et al.; and

State of New York, Complainant,

4, Original vs.

State of Illinois and Sanitary District of Chicago, et al.

O R D E R

ON CONSIDERATION of the statement of the Special Master,

IT IS ORDERED that Monte M. Lemann, Esquire, of New Orleans, Louisiana, be and he hereby is awarded the sum of $6,500.00 as compensation for his services as Special Master in this cause, and that his disbursements, totalling $1,552.97, be allowed.

Per Mr. Chief Justice Hughes.

City of Indianapolis, et al.,

Petitioners,

421 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

City of Indianapolis, et al.,

Petitioners,

422 vs.

The Chase National Bank of the City of New York, Trustee, etc.;

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

423 vs.

Citizens Gas Company of Indianapolis, et al.; and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

424 vs.

The Indianapolis Gas Company, et al.

These cases are restored to the docket and assigned for reargument on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Phoenix Finance Corporation,

Petitioner,

624 vs.

Iowa-Wisconsin Bridge Company.

This case is restored to the docket and assigned for reargument immediately following No. 587.

Per Mr. Chief Justice Hughes.

Virgil Canterbury and Joe Sharp,

Petitioners,

951 vs.

Hugh A. Barnhart, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Virgil Canterbury and Joe Sharp,

Petitioners,

951 vs.

Hugh A. Barnhart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John L. James,

Petitioner,

952 vs.

Hugh A. Barnhart, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John L. James,

Petitioner,

952 vs.

Hugh A. Barnhart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

954 vs.

William T. Ballard, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

954 vs.

William T. Ballard, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ray Wagner,

Petitioner,

955 vs.

The State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ray Wagner,

Petitioner,

955 vs.

The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Melendez,

Petitioner,

956 vs.

The State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Melendez,

Petitioner,

956 vs.

The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hugh Clarence Philbrook and James D. Raitt,

Petitioners,

939 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hugh Clarence Philbrook and James D. Raitt,

Petitioners,

939 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Murray Shapiro,

Petitioner,

995 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Murray Shapiro,

Petitioner,

995 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court of the State of New York, County of Kings.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of the State of New York, County of Kings, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ira Taylor,

Appellant,

1018 vs.

The State of Georgia.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Ira Taylor,

Appellant,

1018 vs.

The State of Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Louis H. Pink, Superintendent of Insurance of the State of New York,

Petitioner,

Order allowing certiorari.

932 vs.

A. A. A. Highway Express, Inc., H. A. Adams, Trading as Adams Transfer Co., et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of Georgia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Massachusetts Bonding and Insurance Company,

Petitioner,

Order allowing certiorari.

710 vs.

Madeleine Corby Webber and William J. Webber.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Morton Salt Company,

Petitioner,

946 vs.

The G. S. Suppiger Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Thomas W. White, et al., Former Collectors of Internal Revenue for the District of Massachusetts,

Petitioners,

1004 vs.

Winchester Country Club.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Julian Riley and Hughes Spalding, Executors of the Estate of Julia M. Hungerford, Deceased,

Petitioners,

1043 vs.

The New York Trust Company, Administrator C. T. A. of the Estate of Julia M. Hungerford, Deceased, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Delaware is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

District of Columbia,

Petitioner,

991 vs.

Henry C. Murphy.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

District of Columbia,

Petitioner,

992 vs.

Paul M. DeHart.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

The Federal Land Bank of Saint Paul,

Petitioner,

1035 vs.

Bismarck Lumber Company and Owen T. Owen, as Tax Commissioner of the State of North Dakota.

ON CONSIDERATION of the motion to substitute John Gray, present Tax Commissioner of the State of North Dakota, as a party respondent herein in the place and stead of Owen T. Owen, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

The Federal Land Bank of Saint Paul,

Petitioner,

Order allowing certiorari.

1035 vs.

Bismarck Lumber Company and John Gray, as Tax Commissioner of the State of North Dakota.

The petition herein for a writ of certiorari to the Supreme Court of the State of North Dakota is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Southern Railway Company,

Petitioner,

Order allowing certiorari.

746 vs.

Ethel Painter, Administratrix of the Estate of Geoffrey L. Painter, Deceased.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 678.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Warner Company,

Petitioner,

1006 vs.

Frank B. Loverich.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Warner Company,

Petitioner,

1007 vs.

Frank B. Loverich.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Dorothy Brunet,

Petitioner,

983 vs.

S. S. Kresge Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

Andrew J. Nichols, W. W. Shank and Annie B. Alguire,

Petitioners,

1045 vs.

Walter A. Todd, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Hacel W. Nalder, Bankrupt,

Petitioner,

914 vs.

The Federal Land Bank of Berkeley and Federal Farm Mortgage Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wrightsman Petroleum Company, a Corporation, For Itself and C. J. Wrightsman, Its Sole Stockholder and Beneficiary in Dissolution,

Petitioner,

920 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Mutual Life Insurance Company of New York,

Petitioner,

933 vs.

Abraham I. Menin, Trustee in Bankruptcy and Parke-Bernet Galleries, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Continental Casualty Company,

Petitioner,

941- vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Superior Court of the State of California, in and for the City and County of San Francisco,

Petitioner,

950 vs.

A. Caminetti, Jr., Insurance Commissioner of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kearns Coal Corporation,

Petitioner,

953 vs.

United States Fidelity & Guaranty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marvin L. Gardner, Trustee in Bankruptcy of Arthur George Doethlaff, Bankrupt,

Petitioner,

960 vs.

Arthur George Doethlaff, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marvin L. Gardner, Trustee in Bankurptcy of Arthur George Doethlaff, Bankrupt,

Petitioner,

961 vs.

The Penn Mutual Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Larimer Mellon and Thomas Mellon, Executors of the Will of James R. Mellon, Deceased,

Petitioners,

964 vs.

William Driscoll, Collector of Internal Revenue for the Twenty-third District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erle R. Lane, et al., Constituting the Creditors' Committee of Haytian Corporation of America,

Petitioners,

973 vs.

Haytian Corporation of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York and Cuba Mail Steamship Company,

Petitioner,

988 vs.

The Continental Insurance Company of the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cutler Mail Chute Company,
Petitioner,
928 vs.
Capitol Mail Chute Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Franklin Life Insurance Company,
Petitioner,
931 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. M. Vaughn and Wife, Millie Lou Vaughn,
Petitioners,
942 vs.
Continental Royalty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. D. Collins,

Petitioner,

943 vs.

Hattie L. Mosher, Individually, a Widow, Hattie L. Mosher, as Trustee, a Widow, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. D. Lount,

Petitioner,

944 vs.

Hattie L. Mosher, Individually, a Widow, Hattie L. Mosher, as Trustee, a Widow, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clifford Collins, et al.,

Petitioners,

945 vs.

Socony-Vacuum Oil Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank White, et ux., Mrs. Frank White,
Petitioners,
947 vs.
W. A. Thomas, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Creek Nation,
Petitioner,
957 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kettleman Hills Royalty Syndicate No. 1 (A Trust),
Petitioner,
958 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Katherine C. Bryan and St. Louis Union Trust Company, the Executors of the Will of P. Taylor Bryan, Deceased,

Petitioners,

967 vs.

Frank C. Ball, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

South Atlantic Steamship Company of Delaware,

Petitioner,

969 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert Roberts, Jr.,

Petitioner,

972 vs.

Board of Public Instruction for the County of Broward, State of Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Compania Espanola de Navegacion Maritima, S. A., et al.,

Petitioners,

978 vs.

Roberto Hernandez, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marguerite E. Bowen,

Petitioner,

979 vs.

New York Life Insurance Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. M. Cohan,

Petitioner,

982 vs.

Charles Samuel Elder and Mary Ethel Elder, his Wife.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Sanitary District of Chicago,
Petitioner,
984 vs.
Edgar C. Guthard, Activated Sludge, Limited and Activated Sludge, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. A. Phillips, Trustee of the Southern Brewing Company, Bankrupt,
Petitioner,
985 vs.
A. M. Arnold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Soma Peto,
Petitioner,
986 vs.
Thomas Howell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Potash, Joseph Winogradsky, Useratos Vafiades and Louis Hatios,

Petitioners,

989 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

990 vs.

Nunnally Investment Company.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest E. Marks Company,

Petitioner,

1001 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard Archbold, Petitioner,

792 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Adrian Archbold, Petitioner,

793 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Archbold, Petitioner,

794 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Archbold Van Beuren,

Petitioner,

795 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elizabeth G. Augustus,

Petitioner,

819 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elsie Van Vranken,

Petitioner,

836 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Amos G. McCampbell, Jr.,

Petitioner,

896 O.T. 1939 vs.

The Warrich Corporation, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

776 vs.

Nebraska Bridge Supply & Lumber Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Cecil L. Snyder,

Petitioner.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Crystal City Glass Workers' Union,

Petitioner,

523 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lambiris Skiriotes,

Appellant,

658 vs.

The State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Newton Kalb,

Petitioner,

816 vs.

Henry Feuerstein and Helen Feuerstein.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Payne Furnace and Supply Company, Inc.,

Petitioner,

893 vs.

Williams-Wallace Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Davies Co., Inc.,

Petitioner,

936 vs.

The People of the State of Illinois, ex rel. John L. Toman, County Treasurer, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex parte State of Louisiana,

Plaintiff.

—, Original.

Motion for leave to file complaint submitted by Mr. James J. Morrison for the Plaintiff.

Commonwealth of Kentucky,

Complainant,

6, Original vs.

State of Indiana.

O R D E R

Counsel for the respective parties in the above entitled cause having filed with the Court an agreement reading as follows:

"Come now the Commonwealth of Kentucky, complainants herein, and The State of Indiana, defendant, and show to the court that all of the matters and issues involved in the above entitled action have been settled by the parties herein; that the bridge which was the subject of the contract involved in this action has been completed and the future maintenance provided for by an agreement between the parties, which agreement is attached to this motion.

The parties, therefore, ask that this action be dismissed."

IT IS ORDERED by this Court that the above entitled cause be, and the same hereby is, stricken from the docket of this Court.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, June 2, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that George Murphy, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

A. Harry Becker, Esquire, of Milwaukee, State of Wisconsin;

Albert J. Gould, Esquire, of Denver, State of Colorado;

Marshall S. Howard, Esquire, of Chicago, State of Illinois; and

Evelyn Neilson Cooper, of Washington, (Mrs.) District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold N. Marsh, It is ordered that Harold H. Burton, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Crosser, It is ordered that

Charles A. Sweeny, Esquire, of Washington, District of Columbia; and

Keith Jaquiss, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Harry T. Gower, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold N. Marsh, It is ordered that Victor W. Godfrie, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Frederic A. Shaffer, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that James F. Splain, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Mary E. Prentice, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that Julia M. Easley, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Daniel R. Dimick, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney S. Alderman, It is ordered that George Lyle Jones, Esquire, of Asheville, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Kerkam, It is ordered that Lowell W. Taylor, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bartel J. Jonkman, It is ordered that Harold B. Corwin, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul P. Myers, It is ordered that James Vizzard, Esquire, of Bakersfield, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Sido Gottlieb, It is ordered that Gertrude Gottlieb, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that J. Richard Bowden, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony L. Gaudio, It is ordered that John R. Caterisan, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore B. Benson, It is ordered that Thomas A. Browne, Esquire, of Waupaca, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Lindsay, It is ordered that Charles C. Shea, Esquire, of Victoria, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William James Galvin, Jr., It is ordered that

Richard P. Welch, Esquire, of Nashua,
State of New Hampshire; and

Frederick Howard Hauser, Esquire, of Hoboken,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph H. Case, It is ordered that Oswell G. Treadway, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James O'Donnell Moran, It is ordered that

Andrew P. Van Thun, Jr., Esquire, of New York,
State of New York; and

George H. Burtis, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. O'Connell, It is ordered that Korean Movsisian, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William T. Croft, It is ordered that Arthur H. Glanz, Esquire, of Los Angeles, State of

California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Kline, Jr., It is ordered that Mayer U. Newfield, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carlton Fox, It is ordered that Donald A. Callahan, Esquire, of Wallace, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Bailey, It is ordered that George W. Grimm, Jr., Esquire, of East Orange, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that

John E. Powell, Esquire, of Washington, District of Columbia;

Bryan A. Hermes, Esquire, of Philadelphia, State of Pennsylvania; and

J. Harold Kilcoyne, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that Donald M. Kitzmiller, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cloyd Laporte, It is ordered that Alphonse A. Laporte, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul E. Hadlick, It is ordered that Wm. Earle White, Esquire, of Petersburg, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Caso March, It is ordered that Philip Edward Teeling, Esquire, of Waco, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus Gilbert Poole, It is ordered that

Jerome C. Eisenberg, Esquire, of Newark,
State of New Jersey; and

Abner Brodie, Esquire, of Orange,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felthan Watson, It is ordered that George E. Murray, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Martin L. Cassell, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur C. Keefer, It is ordered that Arthur Carpenter Elgin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Charles Evan Henderson, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ezra Brainerd, Jr., It is ordered that Camillus A. Conway, Esquire, of Muskogee, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney R. Prince, It is ordered that Gregory S. Prince, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren McLaine, It is ordered that Eulan I. Snyder, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Oklahoma, ex rel. Leon C. Phillips, Governor of the State of Oklahoma,

Appellant,

vs.

Guy F. Atkinson Company, Cleon A. Summers, United States Attorney for the Eastern District of Oklahoma, et al.

Appeal from the District Court of the United States for the Eastern District of Oklahoma.

832

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Union Pacific Railroad Company, City of Kansas City, Kansas, Don C. McCombs, Francis Blake and George T. Darby, Commissioners, etc., et al.,

Appellants,

594 vs.

The United States of America, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Black and Mr. Justice Douglas join.

Klaxon Company,

Petitioner,

741 vs.

Stentor Electric Manufacturing Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for decision in conformity with the law of Delaware.

Per Mr. Justice Reed.

J. Rob Griffin, Administrator
With Will Annexed of the Estate
of Robert D. Gordon, Deceased,

Petitioner,

755 vs.

John D. McCoach, Trustee.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for determination of the law of Texas as applied to the circumstances of this case.

Per Mr. Justice Reed.

Mr. Justice Frankfurter concurs in the result.

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The Chief Justice announced the following orders of the Court:

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Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

901 vs.

Hyman Wohl and Louis Platzman.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari entered May 5, 1941, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

vs.

Hyman Wohl and Louis Platzman.

On writ of certiorari to the Court of Appeals of the State of New York.

901

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Bronx, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court on the remittitur of the Court of Appeals, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Pearl Assurance Company, Limited, of London, England and Oscar H. Carlsson,

Appellants,

vs.

Charles P. J. Harrington, as Commissioner of Insurance of the Commonwealth of Massachusetts.

Appeal from the District Court of the United States for the District of Massachusetts.

1063

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Massachusetts, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Frankfurter took no part in the consideration and decision of this case.

Darnall Trucking Company, Inc., Contract Cartage Company, Gate City Transport Company, et al.,

Appellants,

1066 vs.

Burr H. Simpson, Individually and in his Official Capacity as State Road Commissioner of the State of West Virginia, et al.

Appeal from the Supreme Court of Appeals of the State of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of West Virginia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Alropa Corporation,

Appellant,

1067 vs.

J. A. Kirchwehm.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

The Court assigns Mr. Justice Frank Murphy temporarily to the Sixth Circuit.

Per Mr. Chief Justice Hughes.

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Ex parte Walter Wisniewski,

Petitioner.

—

ON CONSIDERATION of the application submitted herein by Walter Wisniewski,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Cleio Hull,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Louisiana,

Plaintiff,

—, Original vs.

Claude Cummins, et al.

A rule is ordered to issue, returnable October 1, next, requiring the respondents to show cause why leave to file the complaint should not be granted.

Per Mr. Chief Justice Hughes.

The State of Kansas,

Complainant,

11, Original vs.

The State of Missouri.

ON CONSIDERATION of the application for an order relative to deposit for costs herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted. The States of Kansas and Missouri are directed to deposit with the clerk one thousand dollars ($1000.00) each to defray the expenses of the Special Master.

Per Mr. Chief Justice Hughes.

Forrest Holiday,

Petitioner,

14, Original vs.

James A. Johnston, Warden, etc.

Paragraph numbered 3 on page 4 of the opinion is amended to read as follows:

> "The respondent insists that the petition was premature if the petitioner's claim that he was denied the assistance of counsel is without merit, but the contention is pressed only if we find that no question as to such denial is presented."

The first sentence of the last paragraph on page 6 is amended to read as follows:

> "Finally, the sanction by Rule 53 of the Rules of Civil Procedure of references to masters does not aid in the decision of the question presented."

Per Mr. Chief Justice Hughes.

Harry Bridges,

Petitioner,

19 vs.

State of California.

This case is restored to the docket and assigned for reargument on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

The Times-Mirror Company and L. D. Hotchkiss,

Petitioners,

64 vs.

The Superior Court of the State of California in and for the County of Los Angeles.

This case is restored to the docket and assigned for reargument on Monday, October 13, next.

Per Mr. Chief Justice Hughes.

Phil Chadwick, Mrs. Phil Chadwick, Abe Chapman and Charley Schiffman,

Petitioners,

959 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phil Chadwick, Mrs. Phil Chadwick, Abe Chapman and Charley Schiffman,

Petitioners,

959 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Beland,

Petitioner,

966 vs.

The United States of America.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles Beland,

Petitioner,

966 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Sherwin,

Petitioner,

1021 vs.

The United States of America.

ON CONSIDERATION of the motion to use the record in case No. 319, October Term, 1940, in considering the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles Sherwin,

Petitioner,

1021 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Sherwin,

Petitioner,

1021 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,

Petitioner,

1022 vs.

The United States of America.

ON CONSIDERATION of the motion to use the record in case No. 320, October Term, 1940, in considering the petition for certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,

Petitioner,

1022 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph P. Sheridan,

Petitioner,

1022 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Semar Farnsworth,

Petitioner,

917 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Semar Farnsworth,

Petitioner,

917 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Glass,

Petitioner,

1003 vs.

John J. Ryan, United States Correctional Institution, Milan, Michigan.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Glass,

Petitioner,

1003 vs.

John J. Ryan, United States Correctional Institution, Milan, Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Weitlauf,

Petitioner,

1040 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Weitlauf,

Petitioner,

1040 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Riley and Orville Watson,

Petitioners,

1049 vs.

The State of Illinois.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Riley and Orville Watson,

Petitioners,

1049 vs.

The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clarence Pearson,

Petitioner,

1053 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clarence Pearson,

Petitioner,

1053 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 2d Appellate District, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward E. Boerner,

Petitioner,

1060 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward E. Boerner,

Petitioner,

1060 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clyde Hysler,

Petitioner,

1008 vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Clyde Hysler,

Petitioner,

1008 vs.

The State of Florida.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Florida is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

974 vs.

James M. Ragen.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

975 vs.

Arnold W. Kruse.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

976 vs.

Lester A. Kruse.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Scaife Company,

Petitioner,

981 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

1024 vs.

P. Lorillard Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

B. B. Chemical Co.,

Petitioner,

1033 vs.

Elmer A. Ellis and Magic Tape Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 946, Morton Salt Company vs. The G. S. Suppiger Co.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Southport Petroleum Company,

Petitioner,

1012 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, limited to the question of the correctness of the denial by the Circuit Court of Appeals of the petitioner's motion to remand to the National Labor Relations Board for further evidence.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Christian W. Beck, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

1081

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Municipality of Guayanilla, Petitioner, vs. Public Service Commission of Puerto Rico, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

838

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin M. Goldman, Petitioner,

962 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacob P. Shulman, Petitioner,

963 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Theodore Goldman, Petitioner,

980 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Burk Brothers,

Petitioner,

965 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marjorie Fleming Lloyd-Smith,

Petitioner,

977 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sabine Towing Company, Incorporated,

Petitioner,

987 vs.

Continental Insurance Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wong Yim, Alias George Wong,
Petitioner,
994 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Women's Catholic Order of Foresters,
Petitioner,
996 vs.
The City of Ennis, Texas, J. P. Clark, et al., Commissioners and E. C. Hawkins, Treasurer of Said City.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alexander J. Bielski,
Petitioner,
998 vs.
Emerson Samuels.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Glendy B. Arnold, Judge of the Probate Court of the City of St. Louis, Missouri,

Petitioner,

1000 vs.

Charles Wyers.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Johanna F. Fiske, Amanda F. Wheeler, Henrietta A. Holdoway, et al.,

Petitioners,

1002 vs.

S. Mayner Wallace.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Orville J. Taylor,

Petitioner,

1005 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alton Rufus Pesnell,

Petitioner,

1011 vs.

Department of Industrial Relations of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Valley Mould and Iron Corporation,

Petitioner,

1014 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chenille Manufacturing Co., Inc., Harry Farber and Richard Farber,

Petitioners,

1015 vs.

Moses J. Schifrin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Miller, Petitioner, vs. The United States of America.

1017

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Priscilla Baking Company, et al., Petitioners, vs. Commissioner of Internal Revenue.

1020

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, etc., Petitioners, vs. The Union Terminal Company.

1023

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED BY THIS COURT that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atchison, Topeka and Santa Fe Railway Company,

Petitioner,

1025 vs.

Melvern A. Cooper.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Adolph Netzel,

Petitioner,

1028 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. O. Cowan, et al., Trustees under the Plan and Agreement for Reopening the East Tennessee National Bank,

Petitioners,

1030 vs.

Hamilton National Bank of Knoxville, as Trustee for the Estate of Hal S. Harris.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jesse L. Pearl and Massachusetts Bonding and Insurance Company,

Petitioners,

1034 vs.

The County of Garfield, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clyde Nimerick,

Petitioner,

1042 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Central National Bank of Cleveland, Trustee,

Petitioner,

1019 vs.

Robert O'Brien, Executor of the Estate of James O. Mills, Deceased.

On petition for writ of certiorari to the Court of Appeals, Franklin County, State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals, Franklin County, State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

F. Gerald Thomas and Ralph C. Golding, Petitioners, vs. George W. Rossetter, Jay C. McCord and Maurice A. Rosenthal, Trustees.

1041

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howell Van Auken, Administrator With the Will Annexed of Estate of Lila Eddy Doebler, et al., Petitioners, vs. Second National Bank and Trust Company of Saginaw, Michigan, as Trustee, etc., et al.

1050

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

K. Diamantopoulos, Minister to the United States for the Kingdom of Greece, Petitioner, vs. The American Tobacco Company, R. J. Reynolds Tobacco Company, et al.

1051

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howell Van Auken, Administrator With Will Annexed of the Estate of Lila Eddy Doebler, Deceased, et al.,

Petitioners,

1054 vs.

Second National Bank and Trust Company of Saginaw, Michigan, as Trustee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. W. Brooks, et al.,

Petitioners,

1031 vs.

The United States of America and C. A. Firth.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marlin-Rockwell Corporation,

Petitioner,

1032 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank C. Rand,

Petitioner,

1058 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tom Wing Art, Alias Wing Fook Tom, Alias Shorty Yuen,

Petitioner,

924 vs.

William A. Carmichael, District Director of the United States Immigration and Naturalization Service, District No. 20.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Press Co., Inc.,

Petitioner,

1046 vs.

National Labor Relations Board, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reed and Prince Manufacturing Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

1052

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Singer Manufacturing Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1056

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American-West African Line, Inc., Petitioner, vs. John A. Lydecker, Executor of the Estate of John Bernard Frye, Deceased. — On petition for writ of certiorari to the Supreme Court of the State of New York.

1071

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Solvay Process Company,

Petitioner,

1074 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity Union Trust Company and Minton H. Twinch, as Executors, etc.,

Petitioners,

32 vs.

Ethel Adelaide Field.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Maude W. Sweet, et al.,

Petitioners,

876 O.T. 1938 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian W. Pretwell,

Petitioner,

882 O.T. 1939 vs.

Gillette Safety Razor Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul W. Sampsell, as Trustee, etc.,

Petitioner,

601 vs.

Imperial Paper and Color Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Department of Treasury of the State of Indiana, et al., etc.,

Petitioners,

655 vs.

Ingram-Richardson Manufacturing Company of Indiana, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Philadelphia-Detroit Lines, Inc.,

Appellant,

708 vs.

Burr H. Simpson, Individually and as State Road Commissioner of the State of West Virginia, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

857 vs.

Paul Klein-Exel, Trustee of the Estate of William J. Newman Company, Bankrupt.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paysoff Tinkoff,

Petitioner,

858 vs.

Thomas J. McManus, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Ccurt that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Funks Grove Grain Company,

Petitioner,

921 vs.

The Alton Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Roe Sabin, et al.,

Petitioners,

767 vs.

Home Owners' Loan Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order:

O R D E R

All cases submitted and all business before the Court at this Term in readiness for disposition having been disposed of,

IT IS ORDERED by this Court that all cases on the docket be, and they hereby are, continued to the next Term.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned to the time and place appointed by law.

(over)

By order of Mr. Justice Stone the following correspondence between the Court and the Chief Justice is appended to the Minutes of June 2, 1941.

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SUPREME COURT OF THE UNITED STATES

Washington, D. C.

June 2, 1941.

Dear Chief Justice:

The announcement of your decision to retire from the active duties of your office brings to us a deep sense of regret that our association with you in the daily work of the Court must end. In all the years of that association you have been tireless in carrying the heavy burden which unavoidably rests on the Chief Justice. With single-minded devotion to the high purpose of the Court you have brought to your leadership there all the resources gained from many years of eminent public and professional service, wide knowledge of the law, and that unflagging energy and painstaking care with which you have guided our deliberations with thoroughness and dispatch.

At this moment of parting we wish to assure you of the high regard and esteem in which we hold you and your distinguished services to the Court and to the country. We wish for you in the years to come unabated vigor and good health and the full enjoyment of the opportunity to continue to employ your talents in agreeable and useful accomplishment.

Faithfully yours,

Harlan F. Stone.

Owen J. Roberts.

Hugo L. Black.

Stanley Reed.

Felix Frankfurter.

Wm. O. Douglas.

Frank Murphy.

The Chief Justice.

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SUPREME COURT OF THE UNITED STATES

Washington, D. C.

June 3, 1941.

My dear Brethren:

I shall always treasure the generous words of your letter. I keenly regret the necessity of giving up the privilege of our daily association and I shall carry into my retirement an abiding and precious memory of the good will and friendly consideration you have invariably shown me in the intimacy of our common endeavor. Despite my withdrawal from active service, I trust that our companionship may still continue and I extend to each of you the assurance of my high esteem and my earnest wish for your health and happiness.

Faithfully yours,

Charles E. Hughes.

Mr. Justice Stone.
Mr. Justice Roberts.
Mr. Justice Black.
Mr. Justice Reed.
Mr. Justice Frankfurter.
Mr. Justice Douglas.
Mr. Justice Murphy.

- - - - - - - - - - -

VOL

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At the Supreme Court B
trict of Columbia, being the pre
United States, on the first Mond
month) in the year of our Lord o
of the independence of the Unite
Supreme Court of the United Stat

PRESENT:

The honorable Har
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Thomas Ennalls
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Proclamation being mad

Mr. Justice Roberts sa

"Since the adjournment
Justice Hughes has become effecti
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has presented his commission and
it is, therefore, ordered that hi
be filed."

Said commission and oa
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uilding, in the City of Washington, and Dis-
sent Seat of the National Government of the
ay in October (being the 6th day of the same
ne thousand, nine hundred and forty-one and
d States the one hundred and sixty-sixth, The
es met agreeably to law.

lan F. Stone, Chief Justice,
n J. Roberts,
o L. Black,
nley Reed,
lx Frankfurter,
liam O. Douglas,
nk Murphy,
es F. Byrnes,
ert H. Jackson.
Associate Justices.

Waggaman, Esquire, Marshal,
lmore Cropley, Clerk.

e the Court is opened.

ld:

of the last Term the retirement of Mr. Chief
ive. The President has nominated and the Sen-
one as Chief Justice of the United States. He
has taken the oaths prescribed by law, and
is commission be recorded and that his oaths

ths being in the words and figures following,

"FRANKLIN D. ROOSEVELT,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of HARLAN F. STONE, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Chief Justice of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Harlan F. Stone, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice

Done at the City of Washington this Third day of July, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT.

By the President:

ROBERT H. JACKSON

Attorney General."

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"SUPREME COURT OF THE UNITED STATES.

October Term, 1941.

I, Harlan Fiske Stone, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion,

and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

HARLAN FISKE STONE

Subscribed and sworn to before
me this 3rd day of July,
A. D. 1941.

Wayne H. Hackett

Seal

Wayne H. Hackett
United States Commissioner
Rocky Mountain National Park"

- - - - - - - - - -

"SUPREME COURT OF THE UNITED STATES.

October Term, 1941.

I, Harlan Fiske Stone, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

HARLAN FISKE STONE

Subscribed and sworn to before
me this 3rd day of July,
A. D. 1941.

Wayne H. Hackett

Seal

Wayne H. Hackett
United States Commissioner
Rocky Mountain National Park"

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The Chief Justice said:

"Since the adjournment of the Court in June the President has nominated and, with the advice and consent of the Senate, has appointed Senator James Francis Byrnes, of South Carolina, and Attorney General Robert Houghwout

Jackson, of New York, to be Associate Justices of this Court in succession, respectively, to Associate Justice James Clark McReynolds, retired, and to Associate Justice Harlan F. Stone, appointed Chief Justice. They have presented their respective commissions and have taken the oaths prescribed by law. It is ordered that their commissions be recorded and that their oaths be filed."

Said commissions and oaths being in the words and figures following, viz:

"FRANKLIN D. ROOSEVELT,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of JAMES FRANCIS BYRNES, of South Carolina, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said James Francis Byrnes, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice

Done at the City of Washington this twenty-fifth day of June, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT.

By the President:
ROBERT H. JACKSON
Attorney General."

"OATH OF OFFICE FOR UNITED STATES JUDGES

(Title 28, Sec. 372 and Title 5, Sec. 16,
United States Code)

- - - - -

I, JAMES FRANCIS BYRNES, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Associate Justice Supreme Court according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

JAMES FRANCIS BYRNES

Subscribed and sworn to (or affirmed) before me this 8th day of July, 1941.

S E A L
Court of Claims

Richard S. Whaley
Chief Justice U. S.
Court of Claims

Official residence* Washington, D. C.

Date of birth May 2, 1879

Date of entry on duty July 8, 1941

Note.--The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of Territorial Officers shall be administered in the Territory in which the office is held.

* Title 28, sec. 374, United States Code."

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"FRANKLIN D. ROOSEVELT,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of ROBERT H. JACKSON, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Robert H. Jackson, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice.

Done at the City of Washington this eleventh day of July, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT.

By the President:

FRANCIS BIDDLE

Acting Attorney General."

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"OATH OF OFFICE FOR UNITED STATES JUDGES.

(Title 28, Sec. 372 and Title 5, Sec. 16, United States Code.)

- - - - - -

I, ROBERT HOUGHWOUT JACKSON, do solemnly swear (~~or affirm~~) that I

will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Associate Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

ROBERT H. JACKSON

Subscribed and sworn to (~~or affirmed~~) before me this 11th day of July, 1941.

S e a l

Supreme Court of the
United States

Charles Elmore Cropley
Clerk of the Supreme Court
of the United States.

Official residence*

Date of birth

Date of entry on duty

Note.—The Act of May 1, 1876 (Title 48, sec. 1466, United States Code), provides that the oaths of Territorial Officers shall be administered in the Territory in which the office is held.

* Title 28, sec. 374, United States Code.

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The Chief Justice said:

"With profound sorrow I announce the death last evening of Louis Dembitz Brandeis. For nearly twenty-three years he was in active service as an Associate Justice of this Court, and from February 13, 1939, when he exercised his right of retirement, and until his death, he was a retired Justice of this Court.

"Learned in the law, with wide experience in the practice of his profession, he brought to the service of the Court and of his country rare

sagacity and wisdom, prophetic vision, and an influence which derived power from the integrity of his character and his ardent attachment to the highest interests of the Court as the implement of government under a written constitution. His death brings to a close a career of high distinction and a life of tireless devotion to the public good.

"The funeral service will be private. There will be a public memorial service at a time and place to be later announced.

"As a mark of respect to Justice Brandeis' memory the Court will adjourn without transacting further business.

"The papers upon all motions now ready for submission may be filed with the Clerk and will receive the attention of the Court.

"To enable the Court to consider in conference and make appropriate disposition of the great number of petitions for certiorari and other applications which have been filed during the Summer, the recess of the Court will continue until Monday, October 13. The Court will now adjourn."

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Proclamation being made the Court is adjourned until Monday, October 13, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Francis Biddle, It is ordered that John Austin Latimer, Esquire, of Williston, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Joseph Belmont Jiskra, Esquire, of Petersburg, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Simon Surabian, Esquire, of West Boylston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertram Wesley Gearhart, It is ordered that Donald Eugene Wachhorst, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that William Patrick Halloran, Esquire, of Anaconda, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that James Delridge Dye, Esquire, of Ottawa, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Fred L. Blackmon, Esquire, of Anniston, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frost Walker, Jr., It is ordered that Claude K. Wingate, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irvin Lechliter, It is ordered that Irwin William Silverman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Wm. S. Hughes, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Cukor, It is ordered that Sanford Solarz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that

C. Maurice Weidemeyer, Esquire, of Pasadena,
State of Maryland; and

Arthur Pettepoole Nesbit, Esquire, of Columbia,
State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence W. Hull, It is ordered that Austin C. Sherman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Roney, It is ordered that George A. Cassidy, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that

Charles L. Henson, Esquire, of Jefferson City,
State of Missouri; and

Clarence P. LeMire, Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that William P. Mahedy, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen W. Ashburn, It is ordered that J. H. O'Connor, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Lee Boatwright, Jr., It is ordered that Philip H. Hickson, Esquire, of Lynchburg, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred B. Rhodes, It is ordered that V. E. Plunkett, Esquire, of Portsmouth, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, Jr., It is ordered that James W. Dorsey, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that Laura E. Miller, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that

Jane Foulks Johnston, of Topeka, (Miss)
State of Kansas; and

Linton S. Marshall, Esquire, of Trenton,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred K. Cherry, It is ordered that Arthur C. Inman, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Christopher B. Garnett, It is ordered that

Robert C. Duval, Jr., Esquire, of Richmond,
State of Virginia; and

John B. Duval, Esquire, of Richmond,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Mortimer Kremer, It is ordered that E. Milton Altfeld, Esquire, of Baltimore, State of

Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Alvord, It is ordered that

Robert William Pratt, Esquire, of Pittsburgh,
State of Pennsylvania;

Sidney Kirschen, Esquire, of Flemington,
State of New Jersey; and

Lester Wallack Oliver, Esquire, of Clinton,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that

Thos. C. Ryan, Esquire, of San Francisco,
State of California; and

Norris J. Burke, Esquire, of San Francisco,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Sullivan, It is ordered that James W. Wrape, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that H. Russell Bishop, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Bryan Purteet, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Miller, It is ordered that Harry C. Bulkley, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David C. Colladay, It is ordered that Sheldon S. Reynolds, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Camden R. McAtee, It is ordered that Heston Nelson Potts, Esquire, of New Brunswick, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert L. Davis, It is ordered that

Herbert Lewis Davis, Jr., Esquire, of Washington, District of Columbia; and

S. Joseph Corrigan, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Atherton G. Southworth, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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Gilbert Reuter, et al.,

Appellants,

185 vs.

State of Wisconsin, ex rel. Department of Agriculture.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gilbert Reuter, et al., Appellants,

185 vs.

State of Wisconsin, ex rel. Department of Agriculture.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

E. E. Morgan Company, Inc., Appellant,

190 vs.

State of Arkansas, For Use and Benefit of Phillips County.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Empire Oil and Refining Company, now Known as the Cities Service Oil Company, R. C. Ketzler, Appellants,

199 vs.

Della Fields.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

A. N. O'Keeffe, as Surviving Executor of and Under the Last Will and Testament and Codicils Thereto of Frank Adams, Deceased, et al.,

Appellants,

313 vs.

C. L. Adams, F. Claude Adams, R. Stanley Adams, et al.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The Morris Plan Industrial Bank of New York,

Appellant,

331 vs.

Mark Graves, et al., as and Constituting the State Tax Commission of the State of New York.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment of the highest court of the state on the constitutional question presented.

Per Mr. Justice Roberts.

The Chief Justice took no part in this decision.

Standard Oil Company of Louisiana, Appellant,

533 vs.

State of Tennessee, ex rel. George F. McCanless, Commissioner of Finance and Taxation, et al.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Grace Trent, Lucy McKee, Frank A. Julian, et al., Appellants,

566 vs.

Lester Hunt, Scott Adams, John J. Chrisman, et al., etc., et al.

Appeal from the District Court of the United States for the Southern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Cecil Bevins, Austin R. Simcox, Nancy M. Simcox, et al.,

Appellants,

567 vs.

"Doc" Prindable, Louis P. Zerweck, George Remnsnider, et al.

Appeal from the District Court of the United States for the Eastern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Thomas J. Pendergast,

Appellant,

568 vs.

The United States of America.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Thomas J. Pendergast,

Appellant,

—— vs.

The United States of America.

IT IS ORDERED by this Court that the appeal in the above entitled case filed under Section 238 of the Judicial Code as amended, 28 U.S.C. sec. 345, be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Robert Emmett O'Malley,

Appellant,

569 vs.

The United States of America.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Robert Emmett O'Malley,

Appellant,

—— vs.

The United States of America.

IT IS ORDERED by this Court that the appeal in the above entitled case filed under Section 238 of the Judicial Code as amended, 28 U.S.C. sec. 345, be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

A. M. Whitney, Doing Business as Whitney Transfer Company, Incorporated, et al.,

Appellants,

591 vs.

Keen Johnson, Chief Executive, Commonwealth of Kentucky, et al.

Appeal from the District Court of the United States for the Eastern District of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

H. H. Irvine,

Appellant,

596 vs.

G. Howard Spaeth, Commissioner of Taxation of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

H. H. Irvine,

Appellant,

596 vs.

G. Howard Spaeth, Commissioner of Taxation of Minnesota.

Appeal from the Supreme Court of the State of Minnesota.

TREATING the appeal papers herein from the Supreme Court of the State of Minnesota as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

360 Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Agricultural Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

361 Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Aetna Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

362 Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Alliance Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

363

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

American Alliance Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

364

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

American Central Insurance Company,
Appellant,
365 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

American Eagle Fire Insurance Company,
Appellant,
366 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

American Union Insurance Company of New York,
Appellant,
367 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Atlas Assurance Company, Ltd.,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

368

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Automobile Insurance Company of Hartford, Connecticut,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

369

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Bankers and Shippers Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

370

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Boston Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

371

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

British American Assurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

372

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Caledonian Insurance Company, Appellant,

373 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

California Insurance Company, Appellant,

374 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Camden Fire Insurance Association,

Appellant,

375 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Chicago Fire and Marine Insurance Company,

Appellant,

376 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

For Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Citizens Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al. — Appeal from the District Court of the United States for the Western District of Missouri.

377

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

City of New York Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al. — Appeal from the District Court of the United States for the Western District of Missouri.

378

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Columbia Insurance Company (New Jersey), Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al. — Appeal from the District Court of the United States for the Western District of Missouri.

379

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Columbia Fire Insurance Company,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

380

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Commerce Insurance Company,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

381

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Commercial Union Assurance Company, Ltd.,

Appellant,

382 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the Appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Commercial Union Fire Insurance Company,

Appellant,

383 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Concordia Fire Insurance Company of Milwaukee,

Appellant,

384 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Connecticut Fire Insurance Company, Appellant,
385 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Continental Insurance Company, Appellant,
386 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

County Fire Insurance Company of Philadelphia,

Appellant,

387 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Detroit Fire and Marine Insurance Company,

Appellant,

388 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Dubuque Fire and Marine Insurance Company,

Appellant,

389 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Eagle Fire Insurance Company of New York,

Appellant,

390 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Eagle Star and British Dominions Insurance Company,

Appellant,

391 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

East and West Insurance Company,

Appellant,

392 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Equitable Fire and Marine Insurance Company,

Appellant,

393 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Federal Union Insurance Company,

Appellant,

394 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Fidelity Phenix Fire Insurance Company,

Appellant,

395 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Fire Association of Philadelphia,

Appellant,

396 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Firemen's Fund Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

397

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Firemen's Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

398

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

First American Fire Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

399

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Franklin Fire Insurance Company of Philadelphia,

Appellant,

400 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Franklin National Insurance Company,

Appellant,

401 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Girard Fire and Marine Insurance Company,

Appellant,

402 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Glens Falls Insurance Company,

Appellant,

403 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Globe and Rutgers Fire Insurance Company,

Appellant,

404 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Granite State Fire Insurance Company,

Appellant,

405 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Great American Insurance Company,

Appellant,

406 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Guaranty Fire Insurance Company of Providence,

Appellant,

407 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Hanover Fire Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

408

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Hartford Fire Insurance Company, Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

409

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Home Insurance Company,

Appellant,

410 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Home Fire and Marine Insurance Company,

Appellant,

411 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Hudson Insurance Company,

Appellant,

412 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Imperial Assurance Company,

Appellant,

413 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Importers and Exporters Insurance Company,

Appellant,

414 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Insurance Company of North America,

Appellant,

415 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Insurance Company of the State of Pennsylvania,

Appellant,

416 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Law Union and Rock Insurance Company, Ltd.,

Appellant,

417 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Liverpool and London and Globe Insurance Company,

Appellant,

418 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The London Assurance Corporation,

Appellant,

419 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

London and Lancashire Insurance Company, Ltd.,

Appellant,

420 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

London and Provincial Marine and General Ins. Co., Ltd.,

Appellant,

421 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

London and Scottish Assurance Corporation, Ltd.,

Appellant,

422 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Lumbermen's Insurance Company,
Appellant,
423 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Manhattan Fire and Marine Insurance Company,
Appellant,
424 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Massachusetts Fire and Marine Insurance Company,

Appellant,

425 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Mechanics Insurance Company of Philadelphia,

Appellant,

426 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Merchants Insurance Company,

Appellant,

427 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Merchants Fire Assurance Corporation of New York,

Appellant,

428 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Merchants Fire Insurance Company,

Appellant,

429 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Mercury Insurance Company,

Appellant,

430 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Michigan Fire and Marine Insurance Company,

Appellant,

431 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Milwaukee Mechanics Insurance Company,

Appellant,

432 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Ben Franklin Fire Insurance Company,

Appellant,

433 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Fire Insurance Company of Hartford,

Appellant,

434 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record fromthe District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Liberty Insurance Company of America,

Appellant,

435 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Reserve Insurance Company,

Appellant,

436 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Security Fire Insurance Company,

Appellant,

437 vs.

Ray B. Lucas, Etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

National Union Fire Insurance Company,
Appellant,
438 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Newark Fire Insurance Company,
Appellant,
439 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

New England Fire Insurance Company,
Appellant,
440 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

New Hampshire Fire Insurance Company,
Appellant,
441 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

New Jersey Insurance Company,
Appellant,
442 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

New York Underwriters Insurance Company,

Appellant,

443 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Niagara Fire Insurance Company,

Appellant,

444 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Northern Assurance Company, Ltd., Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

445

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Northern Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

446

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

North River Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

447

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Northwestern Fire and Marine Insurance Company,

Appellant,

448 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Norwich Union Fire Insurance Society, Ltd.,

Appellant,

449 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Old Colony Insurance Company,
Appellant,
450 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Orient Insurance Company,
Appellant,
451 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Pacific Fire Insurance Company,
Appellant,
452 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Palatine Insurance Company, Ltd., Appellant,

453 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Patriotic Insurance Company of America, Appellant,

454 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Philadelphia Fire and Marine Insurance Company,

Appellant,

455 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Phoenix Assurance Company, Ltd.,

Appellant,

456 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Phoenix Insurance Company, et al.,

Appellant,

457 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Presidential Fire and Marine Insurance Company,

Appellant,

458 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Providence Washington Insurance Company,

Appellant,

459 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Provident First Insurance Company,

Appellant,

460 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Queen Insurance Company of America,

Appellant,

461 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Reliance Insurance Company of Philadelphia,

Appellant,

462 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Rhode Island Insurance Company,
Appellant,
463 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Royal Exchange Assurance,
Appellant,
464 vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE CAME on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Royal Insurance Company, Ltd., Appellant,

465 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Safeguard Insurance Company, Appellant,

466 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

St. Paul Fire and Marine Insurance Company, Appellant,

467 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Scottish Union and National Insurance Company,

Appellant,

468 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Security Insurance Company of New Haven,

Appellant,

469 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Sentinel Fire Insurance Company,

Appellant,

470 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Springfield Fire and Marine Insurance Company,

Appellant,

471 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Standard Fire Insurance Company of Connecticut,

Appellant,

472 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Standard Fire Insurance Company of New Jersey,

Appellant,

473 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Star Insurance Company of America,

Appellant,

474 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The State Assurance Company, Ltd., Appellant,

475 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Stuyvesant Insurance Company, Appellant,

476 vs.

Ray B.Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Sun Insurance Office, Ltd., Appellant,

477 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Superior Fire Insurance Company, Appellant,

478 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Svea Fire and Life Insurance Company, Appellant,

479 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Tokio Marine and Fire Insurance Company, Ltd.,

Appellant,

480 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Transcontinental Insurance Company,

Appellant,

481 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The Travelers Fire Insurance Company,

Appellant,

482 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Twin City Fire Insurance Company,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

483

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Union Assurance Society, Ltd.,
Appellant,
vs.
Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

484

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Union Fire Insurance Company,

Appellant,

485 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

United Firemen's Insurance Company of Philadelphia,

Appellant,

486 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

United States Fire Insurance Co.,

Appellant,

487 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

United States Merchants and Shippers Insurance Company,

Appellant,

488 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Victory Insurance Company,

Appellant,

489 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Westchester Fire Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

490

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Western Assurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

491

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Western Fire Insurance Company, Appellant, vs. Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

492

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

The World Fire and Marine Insurance Company,

Appellant,

493 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Yorkshire Insurance Company, Ltd.,

Appellant,

494 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Mechanics and Traders Insurance Company,

Appellant,

495 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Potomac Insurance Company of the District of Columbia,

Appellant,

496 vs.

Ray B. Lucas, etc., Superintendent of the Insurance Department of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in this decision.

Magnolia Petroleum Company and Union Producing Company,

Petitioners,

181 vs.

Edwin S. Hull, Joe H. Hull, Fannabel Myers, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United

States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Magnolia Petroleum Company and Union Producing Company,

Petitioners,

181 vs.

Edwin S. Hull, Joe H. Hull, Fannabel Myers, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Texas to permit trial of the issues raised by petitioners' answer and for further proceedings.

Per Mr. Chief Justice Stone.

Wade Holley,

Appellant,

168 vs.

The State of Georgia.

ON CONSIDERATION of the motion to strike the motion to dismiss the appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wade Holley,

Appellant,

168 vs.

The State of Georgia.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Wade Holley,

Appellant,

168 vs.

The State of Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In re Disbarment of

David L. Starr.

It having been reported to the Court that David L. Starr, of Pittsburgh, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

IT IS ORDERED that the said David K. Starr, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

In re Disbarment of

Howard C. Hopson.

It having been reported to the Court that Howard C. Hopson, of Madison, Wisconsin, has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia;

IT IS ORDERED that the said Howard C. Hopson, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

The Federal Land Bank of Saint Paul,

Petitioner,

76 vs.

Bismarck Lumber Company and John Gray, as Tax Commissioner of the State of North Dakota.

This case is advanced and assigned for argument on Wednesday, October 22 next, immediately following Nos. 602 and 603.

Per Mr. Chief Justice Stone.

A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, etc.,

Petitioners,

1023 O.T. 1940 vs.

The Union Terminal Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

A petition for rehearing having been submitted in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, and the case is assigned for argument immediately following No. 112.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

James H. Halliday, a Person Non Compos Mentis, by His Committee, Annie Halliday,

Petitioner,

101 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

James H. Halliday, a Person Non Compos Mentis, by His Committee, Annie Halliday,

Petitioner,

101 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Dr. Maximilian Goldstein, Dr. Benjamin Schwartz, Herman Rubin and Irving Elentuch,

Petitioners,

256 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Dr. Maximilian Goldstein, Dr. Benjamin Schwartz, Herman Rubin and Irving Elentuch,

Petitioners,

256 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

C. H. Cochran,

Petitioner,

510 vs.

The State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

C. H. Cochran,

Petitioner,

Order allowing certiorari.

510 vs.

The State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary.

The petition herein for a writ of certiorari to the Supreme Court of the State of Kansas is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. O. Spaulding,

Petitioner,

177 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration of this motion.

J. O. Spaulding,

Petitioner,

177 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

Joe Vance,

Petitioner,

198 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Joe Vance,

Petitioner,

198 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Clarence Mackel Sweetney,

Petitioner,

216 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Clarence Mackel Sweetney,

Petitioner,

216 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

James A. Lovvorn,

Petitioner,

273 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

James A. Lovvorn,

Petitioner,

273 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Newton H. Brown and Ethel L. Brown,
Debtors,

Petitioners,

276 vs.

The Federal Land Bank of Louisville,
Kentucky.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Newton H. Brown and Ethel L. Brown,
Debtors,

Petitioners,

276 vs.

The Federal Land Bank of Louisville,
Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Louise Dean Moyer,

Petitioner,

297 vs.

Frank Hines, as Administrator of
Veterans Affairs.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Louise Dean Moyer,

Petitioner,

297 vs.

Frank Hines, as Administrator of Veterans Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William B. Jordan,

Petitioner,

335 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

William B. Jordan,

Petitioner,

335 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Edmond C. Fletcher,

Petitioner,

250 vs.

A. E. Krise, Receiver for the Fidelity Land and Investment Corporation.

ON CONSIDERATION of the motion to strike the reply brief of respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

250 vs.

A. E. Krise, Receiver for the Fidelity Land and Investment Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

250 vs.

A. E. Krise, Receiver for the Fidelity Land and Investment Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Wesley, Jr.,

Petitioner,

284 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Wesley, Jr.,

Petitioner,

284 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

William Hugh Engels,

Petitioner,

296 vs.

M. F. Amrine, Warden, Kansas State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Hugh Engels,

Petitioner,

296 vs.

M. F. Amrine, Warden, Kansas State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

507 vs.

The State of Kansas and Milton F. Amrine, Warden of Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

507 vs.

The State of Kansas and Milton F. Amrine, Warden of Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED BY THIS COURT that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

James Best,

Petitioner,

344 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Best,

Petitioner,

344 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

W. M. Hamilton,

Petitioner,

586 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. M. Hamilton,

Petitioner,

586 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

J. Ralph DeMarcos,

Petitioner,

302 vs.

Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

ON CONSIDERATION of the motion for a supplemental record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Ralph DeMarcos,

Petitioner,

302 vs.

Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Ralph DeMarcos,

Petitioner,

302 vs.

Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude Wyant,

Petitioner,

68 vs.

Samuel H. Caldwell, Receiver of Wellsburg Telephone Co., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude Wyant,

Petitioner,

68 vs.

Samuel H. Caldwell, Receiver of Wellsburg Telephone Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eva Brooks,

Petitioner,

99 vs.

Hill-Shaw Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eva Brooks,

Petitioner,

99 vs.

Hill-Shaw Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Dugan,

Petitioner,

148 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Western District of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Dugan,

Petitioner,

148 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Western District of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

158 vs.

Charles S. Campbell, The First National Bank and Trust Company, Harry C. Howard, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

158 vs.

Charles S. Campbell, The First National Bank and Trust Company, Harry C. Howard, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Ralph Mark,

Petitioner,

159 vs.

The Warden of the Attica State Prison, at Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Ralph Mark,

Petitioner,

159 vs.

The Warden of the Attica State Prison, at Attica, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Catherine M. Carroll,

Petitioner,

176 vs.

Raymond A. Carroll, Prudential Insurance Company of America, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Catherine M. Carroll,

Petitioner,

176 vs.

Raymond A. Carroll, Prudential Insurance Company of America, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Sweeney,

Petitioner,

178 vs.

State Board of Public Assistance.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Sweeney,

Petitioner,

178 vs.

State Board of Public Assistance.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Donald Conrad,

Petitioner,

189 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Donald Conrad,

Petitioner,

189 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Pianezzi,

Petitioner,

208 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Pianezzi,

Petitioner,

208 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 2d Appellate District, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Pianezzi and Martin E. McGowan,

Petitioners,

209 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter Pianezzi and Martin E. McGowan,

Petitioners,

209 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal, 2d Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 2d Appellate District, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett E. Willey by Henry E. Willey, His Next Friend and Henry E. Willey,

Petitioners,

235 vs.

Maine Central Railroad Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett E. Willey by Henry E. Willey, His Next Friend and Henry E. Willey,

Petitioners,

235 vs.

Maine Central Railroad Company.

On petition for writ of certiorari to the Supreme Judicial Court of the State of Maine.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the State of Maine, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Jenkins,

Petitioner,

241 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Western District of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Jenkins,

Petitioner,

241 vs.

Stanley P. Ashe, Warden, Western State Penitentiary, Western District of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lena Grolemund,

Petitioner,

242 vs.

Emilio Caferata, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lena Grolemund,

Petitioner,

242 vs.

Emilio Caferata, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otis Donahue,

Petitioner,

249 vs.

Frank Burns, Sheriff.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otis Donahue,

Petitioner,

249 vs.

Frank Burns, Sheriff.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph K. Nulsen,

Petitioner,

264 vs.

Judge Everett F. Johnson.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph K. Nulsen,

Petitioner,

264 vs.

Judge Everett F. Johnson.

On petition for writ of certiorari to the 57th District Court of Bexar County, State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the 57th District Court of Bexar County, State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. King,

Petitioner,

275 vs.

State of South Dakota and G. Norton Jameson, Warden of the State Penitentiary of South Dakota.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. King,

Petitioner,

275 vs.

State of South Dakota and G. Norton Jameson, Warden of the State Penitentiary of South Dakota.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maud L. Fenzel, as Trustee for Anna May Milar, (nee Fenzel) Under the Will of George L. Fenzel,

Petitioner,

345 vs.

R. W. Fensterwald, L. H. Fensterwald, L. C. Baker, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maud L. Fenzel, as Trustee for Anna May Milar, (nee Fenzel) under the Will of George L. Fenzel,

Petitioner,

345 vs.

R. W. Fensterwald, L. H. Fensterwald, L. C. Baker, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Sidney Barton and Robert L. Pace,

Petitioners,

509 vs.

The Phelan Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Sidney Barton and Robert L. Pace,

Petitioners,

509 vs.

The Phelan Company.

On petition for writ of certiorari to the Court of Appeal, 1st Circuit, State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeal, 1st Circuit, State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Roberts,

Petitioner,

530 vs.

Ransom Pratt, George W. Pratt, John Doe, #1, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Roberts,

Petitioner,

530 vs.

Ransom Pratt, George W. Pratt, John Doe #1, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edel M. Pullen,

Petitioner,

531 vs.

Sun Life Insurance Company of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edel M. Pullen,

Petitioner,

531 vs.

Sun Life Insurance Company of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ethel Gray,

Petitioner,

541 vs.

Eureka-Maryland Assurance Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ethel Gray,

Petitioner,

541 vs.

Eureka-Maryland Assurance Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patrick Farren,

Petitioner,

546 vs.

P. E. Mahoney, Acting Warden of the Washington State Penitentiary at Walla Walla, Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patrick Farren,

Petitioner,

546 vs.

P. E. Mahoney, Acting Warden of the Washington State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary B. Curley,

Petitioner,

556 vs.

Harry Paul Curley.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary B. Curley,

Petitioner,

556 vs.

Harry Paul Curley.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Alton Railroad Company, et al.,

Appellants,

110 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

267 vs.

The Alton Railroad Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

197 vs.

Carolina Freight Carriers Corporation.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

223 vs.

Railway Labor Executives Association and Brotherhood of Railroad Trainmen.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Allen-Bradley Local No. 1111, United Electrical, Radio and Machine Workers of America, et al.,

Appellants,

252 vs.

Wisconsin Employment Relations Board, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Walter Chaplinsky,

Appellant,

255 vs.

State of New Hampshire.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Butler Brothers,

Appellant,

283 vs.

Charles J. McColgan, as Franchise Tax Commissioner of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Sampson Tulee,

Appellant,

318 vs.

State of Washington.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Gregg Cartage & Storage Company, Hugh Wells, Trustee, etc., et al.,

Appellants,

535 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

558 vs.

Dennis Malphurs, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Swift and Company, et al.,

Appellants,

595 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Board of Trade of Kansas City, Mo., et al.,

Appellants,

143 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

The motion to advance is granted and the case is assigned for argument on Monday, November 17th next.

Per Mr. Chief Justice Stone.

Howard Hall Company, Inc.,

Appellant,

210 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is assigned for argument immediately following No. 197.

Per Mr. Chief Justice Stone.

Pete Lubetich, an Individual Doing Business as Pacific Refrigerated Motor Lines,

Appellant,

322 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is assigned for argument immediately following Nos. 52 and 53.

Per Mr. Chief Justice Stone.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.,

Appellants,

184 vs.

Otto Case, Individually and as State Treasurer of Washington, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Illinois Natural Gas Company,

Appellant,

100 vs.

Central Illinois Public Service Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Memphis Natural Gas Company,

Appellant,

499 vs.

Roy H. Beeler, Attorney General of the State of Tennessee, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case and of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Harry F. Meilink, as Trustee in Bankruptcy of the Estate of United Lamp & Shade Corporation, Bankrupt,

Petitioner,

61 vs.

Unemployment Reserve Commission of the State of California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Baker Duncan,

Petitioner,

78 vs.

Guy A. Thompson, Trustee of Missouri Pacific Railroad Company.

Order allowing certiorari.

The petition for a writ of certiorari to the Springfield Court of Appeals of the State of Missouri is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Merion Cricket Club,

Petitioner,

83 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver for the American Life Insurance Company,

Petitioner,

91 vs.

American United Life Insurance Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The People of Puerto Rico,

Petitioner,

95 vs.

Russell & Co., S. en C.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The People of Puerto Rico,

Petitioner,

96 vs.

Rubert Hermanos, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

C. L. Williams, Individually and as Duly Appointed and Authorized Agent and Representative of Herbert Aiken, et al.,

Petitioners,

112 vs.

Jacksonville Terminal Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hotel & Restaurant Employee's International Alliance, Local No. 122, et al.,

Petitioners,

124 vs.

Wisconsin Employment Relations Board, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Wisconsin is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds,

Petitioner,

128 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Marlborough House, Inc.,

Petitioner,

129 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone..

Charles M. Thomson, Trustee for Property of Chicago & Northwestern Railway Company, et al.,

Petitioners,

139 vs.

Barney E. Gaskill, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

151 vs.

Joliet & Chicago Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Clarence A. Stewart, Administrator
of the Estate of John R. Stewart,
Deceased,

Petitioner,

161 vs.

Southern Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alexander MacGregor, Jr., Executor
of the Estate of Alexander MacGregor,
Deceased,

Petitioner,

179 vs.

State Mutual Life Assurance Company
of Worcester, Massachusetts.

Orddr allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

City of Texarkana, Texas,

Petitioner,

186 vs.

Arkansas Louisiana Gas Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

D'Oench, Duhme & Co., Inc.,

Petitioner,

vs.

Federal Deposit Insurance Corporation.

Order allowing certiorari.

206

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elizabeth Wright and Charles C. Wright,

Petitioners,

vs.

Gusto Logan, Harriet Logan Sawyer and Exia Logan Reese.

Order allowing certiorari.

229

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

vs.

State of New York.

Order allowing certiorari.

238

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

State of New York,

Petitioner,

251 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Cudahy Packing Company of Louisiana, Ltd.,

Petitioner,

245 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Federal Power Commission and Illinois Commerce Commission,

Petitioners,

265 vs.

Natural Gas Pipeline Company of America and Texoma Natural Gas Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Natural Gas Pipeline Company of America and Texoma Natural Gas Company,

Petitioners,

268 vs.

Federal Power Commission and Illinois Commerce Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

John P. Dinan and Michael T. Dinan,

Petitioners,

277 vs.

Frist National Bank - Detroit.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Rosco Jones,

Petitioner,

280 vs.

City of Opelika.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Josephine S. Pearce,

Petitioner,

306 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Southern Steamship Company,

Petitioner,

320 vs.

National Labor Relations Board and National Maritime Union of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Stonite Products Company,

Petitioner,

321 vs.

The Melvin Lloyd Company, and J. A. Zurn Mfg. Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Muncie Gear Works, Inc., and
Breens & Collins, Inc.,

Petitioners,

323 vs.

Outboard, Marine & Manufacturing Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America Upon
the Relation and for the Use of the
Tennessee Valley Authority,

Petitioner,

500 vs.

W. P. N. Powelson, Assignee and Successor in Interest of Southern States Power Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lester A. Crancer, et al., Co-partners,
Doing Business Under the Firm Names of
Valley Steel Products Company, et al.,

Petitioners,

505 vs.

Frank O. Lowden, et al., Trustees of the Chicago, Rock Island and Pacific Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Civil Appeals of the State of Texas, First Supreme Judicial District is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William Jacob,

Petitioner,

589 vs.

The City of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Peter Young, Alias Young Lup,

Petitioner,

86 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

Order allowing certiorari.

131 vs.

Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.,

Petitioners,

Order allowing certiorari.

132 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Great Northern Railway Company,

Petitioner,

Order allowing certiorari.

149 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

188 vs.

Automotive Maintenance Machinery Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

281 vs.

Sparks-Withington Company and United Cooperative Society of Jackson, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William Schneiderman,

Petitioner,

311 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The Seminole Nation,

Petitioner,

348 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased,

Petitioner,

325 vs.

The United States of America, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

328 vs.

Alabama Asphaltic Limestone Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following Nos. 128 and 129.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 328.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Palm Springs Holding Corporation,

Petitioner,

503 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 286.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

Lerner Stores Corporation (Md.)

Order allowing certiorari.

248

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 57.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in reponse to such writ.

Per Mr. Chief Justice Stone.

Philip B. Fleming, Administrator, Wage and Hour Division, United States Department of Labor,

Petitioner,

vs.

Lowell Sun Company.

Order allowing certiorari.

529

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 245.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

State of Alabama,

Petitioner,

vs.

King and Boozer, a Partnership Composed of Tom Cobb King and Simon Egbert Boozer, and United States of America.

Order allowing certiorari.

602

The petition for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

State of Alabama,

Petitioner,

602 vs.

King and Boozer, a Partnership Composed of Tom Cobb King and Simon Elbert Boozer, and United States of America.

ON CONSIDERATION of the motion to advance this case, it is ordered by this Court that the said motion be, and the same is hereby, granted, and the case is advanced and assigned for argument on Wednesday, October 22, next.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

John C. Curry, Individually and as Commissioner of Revenue of the State of Alabama,

Petitioner,

Order allowing certiorari.

603 vs.

The United States of America, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

John C. Curry, Individually and as Commissioner of Revenue of the State of Alabama,

Petitioner,

603 vs.

The United States of America, et al.

ON CONSIDERATION of the motion to advance this case, it is ordered by this Court that the said motion be, and the same is hereby, granted, and the case is advanced and assigned for argument on Wednesday, October 22, next.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

A. Y. Oates and Almena Oates,
His Wife,

Petitioners,

47 vs.

New York Life Insurance Company.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

A. Y. Oates and Almena Oates,
His Wife,

Petitioners,

47 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Board of Commissioners of San Juan,

Petitioner,

94 vs.

Carlos M. DeCastro.

ON CONSIDERATION of the motion for leave to file opposition to the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Board of Commissioner of San Juan,

Petitioner,

94 vs.

Carlos M. DeCastro.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Identification Devices, Inc., by James M. Rulong,

Petitioner,

108 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Identification Devices, Inc., by James M. Rulong,

Petitioner,

108 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Steffen Osland,

Petitioner,

239 vs.

Star Fish & Oyster Company.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Steffen Osland,

Petitioner,

239 vs.

Star Fish & Oyster Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph N. Weber, as President of the American Federation of Musicians, et al.,

Petitioners,

295 vs.

Opera on Tour, Inc.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of Puerto Rico,
Petitioner,
60 vs.
The Bank of Nova Scotia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration and decision of this application.

Lester W. Bailey,
Petitioner,
217 vs.
Sears, Roebuck & Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration and decision of this application.

George T. Mortimer,
Petitioner,
72 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

Joshua P. Simons, William Markowitz and Samuel Markowitz,

Petitioners,

192 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

Richard W. Leche,

Petitioner,

169 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

George Frederick Gundelfinger,

Petitioner,

194 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Cassius McDonald, Petitioner, vs. Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

520

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Johann Carl Pfleuger, Petitioner, vs. The United States of America; Robert H. Jackson, Attorney General of the United States, as Alien Property Custodian, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

304

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this application.

The Detroit Edison Company, Petitioner, vs. Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

349

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

General Motors Corporation, General Motors Sales Corporation, General Motors Acceptance Corporation, et al.,

Petitioners,

352 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Chinese Consolidated Benevolent Association, Inc.,

Petitioner,

359 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this application.

J. C. Crockett,

Petitioner,

65 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

J. C. Crockett,

Petitioner,

66 vs.

George H. McElroy and Peter A. Hanna.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Mrs. Louise Harris Moore,

Petitioner,

74 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

First National Steamship Company, Second National Steamship Company, et al.,

Petitioners,

89 vs.

United States Shipping Board Merchant Fleet Corporation, etc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Samuel J. Katzberg, Louis Haig and Jacob F. Schmitt,

Petitioners,

97 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Reconstruction Finance Corporation,

Petitioner,

105 vs.

Lucius Teter, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Amerex Holding Corporation,

Petitioner,

113 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Henry Pirtle,

Petitioner,

117 vs.

H. B. Brown, et al., Individually and as Judges of Election for the Fifth Civil District of Grundy County, Tennessee, &c., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

James Doneghy and St. Louis Union Trust Company, Residuary Trustees, etc.,

Petitioners,

119 vs.

Acel C. Alexander, Formerly Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

James Doneghy, and St. Louis Union Trust Company, Residuary Trustees, etc.,

Petitioners,

120 vs.

H. C. Jones, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Estate of Daniel Guggenheim, Deceased, Florence Guggenheim, Executrix,

Petitioner,

125 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William D. Pelley,

Petitioner,

150 vs.

John B. Colpoys, United States Marshal in and for the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

May Ryan, Executrix of the Will and Estate of Thomas Ryan, Deceased,

Petitioner,

166 vs.

Acel C. Alexander, Formerly Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The Haden Company,

Petitioner,

171 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Ralph Wagner,

Petitioner,

180 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Philip H. Simon,

Petitioner,

193 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

H. W. Ferguson,

Petitioner,

196 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Pierre S. DuPont,

Petitioner,

200 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

John J. Raskob,

Petitioner,

201 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America, Acting on the Relation of Edmond C. Fletcher, and the Said Edmond C. Fletcher, Individually,

Petitioner,

226 vs.

John H. Pahey, Thomas D. Webb, Fred W. Catlett, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Minnesota Mining & Manufacturing Company,

Petitioner,

257 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Minnesota Mining & Manufacturing Company,

Petitioner,

258 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Minnesota Mining & Manufacturing Company,

Petitioner,

259 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The National Life and Accident Insurance Company,

Petitioner,

278 vs.

L. P. Brewer, Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

S. Elbert Pike, Ernest C. Pike, Charles T. Pike, etc., et al.,

Petitioners,

285 vs.

Frank C. Walker, (Substituted for James A. Farley) as Postmaster General of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Wilbur L. Hunt,

Petitioner,

300 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Glenn Henderson, Petitioner, vs. The United States of America. 301

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Anheuser-Busch, Incorporated, et al., Petitioners, vs. Louis J. Becker, Collector of Internal Revenue for the First United States Collection District of Missouri. 351

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Harvey Coal Corporation, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

355

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

George Polakoff and William Albert, Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

498

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Walter R. Dolloff, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

501

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Arthur T. Lelles,

Petitioner,

502 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Stanley R. Hemphill,

Petitioner,

525 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Hughes Robert Hilliard,

Petitioner,

526 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Julius I. Puente,

Petitioner,

62 vs.

The Spanish National State, as a Juristic Person.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. A. Ross, Agent, Inc., a Corporation of North Carolina, (Amended by Order of the Court to Read Ross Motor Lines, Inc.),

Petitioner,

69 vs.

Louis Venuto, Administrator Ad Prosequendum and General Administrator of the Estate of Elvira Venuto, Deceased, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Lewis,

Petitioner,

77 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Harvey, et al., etc.,
Petitioners,
79 vs.
John G. Getz, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Harvey,
Petitioner,
80 vs.
John G. Getz, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sargent & Company, Baxter, Kelly & Faust, Inc., et al.,
Petitioners,
84 vs.
Agatha L. Moore, Basil Moore, Margaret Wikstrom, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carl Hall, Individually and in His Own Behalf, and for and on Behalf of All Other Coal Miners and Claimants Similarly Situated, et al.,

Petitioners,

85 vs.

V. E. Barnes, et al., Members of the Unemployment Compensation Commission of Kentucky, et al.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Coca-Cola Company,

Petitioner,

87 vs.

Dixi-Cola Laboratories, Inc., Robert W. Kruse, Constantine Grivakis, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hunter and Co., Inc.,

Petitioner,

88 vs.

Village of Bellwood.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jogger Manufacturing Corporation,

Petitioner,

90 vs.

Wendell H. Roguemore, Doing Business as Multigraph Sales Agency.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William M. Mitchell, Administrator of the Estate of Kit C. Koger,

Petitioner,

92 vs.

New England Mutual Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. Jacobson & Sons Trust,

Petitioner,

93 vs.

Douglass M. Bomeisler, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Christ Orfanos, as Administrator of the Estate of James Orfanos, Deceased,

Petitioner,

102 vs.

George Zolintakis, Executor of the Will of Peter Zolintakis, Deceased, and Substituted Herein in Lieu of said Peter Zolintakis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Adah Alberty, Trading as Alberty's Food Products, Alberty's Food Laboratories, et al.,

Petitioners,

104 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Mississippi for the Use and Benefit of J. E. Shoemaker, Administrator of the Estate of Ray Grant, Deceased,

Petitioner,

106 vs.

J. F. Thames and United States Fidelity & Guaranty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pope Estate Company,

Petitioner,

107 vs.

John V. Lewis, Former Collector of Internal Revenue for the First Collection District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Lalor Burdick and Chemical Bank & Trust Company, Trustees of the Last Will and Testament of William A. Lalor, Deceased,

Petitioners,

109 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The American Brake Shoe and Foundry Company,

Petitioner,

111 vs.

Alltex Products Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry A. B. Dunning,

Petitioner,

114 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

D. P. Skousen, Coit Hughes, H. B. Hughes and H. L. Mosher,

Petitioners,

115 vs.

Consolidated Motors, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Pennsylvania Railroad Company,

Petitioner,

116 vs.

Pierre Mistrot.

On petition for writ of certiorari to the Court of Appeal, 1st District, State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeal, 1st District, State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. B. Pittman, Trustee, National Cottonseed Products Corporation, Bankrupt,

Petitioner,

118 vs.

Union Planters National Bank and Trust Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mar de Passy Corporation,

Petitioner,

123 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pixler Bros., Inc.,

Petitioner,

126 vs.

The Automobile Insurance Company of Hartford, Connecticut.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. H. Hemler,

Petitioner,

127 vs.

Hope Producing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe C. Stephens, et al.,

Petitioners,

130 vs.

St. Louis Union Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John O. Krouse,

Petitioner,

133 vs.

Frank O. Lowden, et al., Trustees of the Estate of the Chicago, Rock Island and Pacific Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Nannie Pyle,

Petitioner,

73 vs.

Tennessee Central Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arrow Distilleries, Inc., an Illinois Corporation,

Petitioner,

134 vs.

Arrow Distilleries, Inc., a Michigan Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of A. M. Wilder, Deceased, Josephine U. Wilder, Executrix of the Estate of A. M. Wilder, Deceased,

Petitioner,

135 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Badger Oil Company,
Petitioner,
136 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Pettit,
Petitioner,
137 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bertie Pettit,
Petitioner,
138 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roeser & Pendleton, Inc., Petitioner,

191 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alma F. Birckner, Petitioner,

140 vs.

Robert Tilch, et al.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey Eastman, Charles Strom, Oscar McLeod, et al., Petitioners,

141 vs.

The United States of America; Raymond H. Bitney, Superintendent of Taholah Indian Agency, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wm. Carnegie Ewen, Lewis L. Clarke, M. D. Adams, et al., etc.,

Petitioners,

144 vs.

The Peoria and Eastern Railway Company.

On petition for writ of certiorari to the District Court of the United States for the Southern District of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Southern District of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nick Balsbanoff,

Petitioner,

145 vs.

R. H. Kellogg, C. P. Morgan, Pearl E. Kellogg, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hill-Behan Lumber Company,

Petitioner,

146 vs.

State Highway Commission of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. A. Holmes, Petitioner,

147 vs.

Charles J. McColgan, as Bank and Corporation Franchise Tax Commissioner of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnie Keyes, Petitioner,

152 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John J. Chickering, Administrator, Petitioner,

153 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James C. B. Millard, as Executor of the Will of Jay Gould, Deceased,

Petitioner,

vs.

Harry A. Maloney.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

324

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Exhibit Supply Company,

Petitioner,

vs.

Ace Patents Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

154

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Genco, Inc.,

Petitioner,

vs.

Ace Patents Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

155

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago Coin Machine Company, Petitioner,
156 vs.
Ace Patents Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernice Vince, Petitioner,
157 vs.
Great Northern Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phillips Petroleum Company, Petitioner,
162 vs.
C. F. Green, as Chairman of the Iowa State Board of Assessment and Review and Individually, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Obergfell, Peter Bollenbacher, Albert J. Kugler, et al.,

Petitioners,

163 vs.

William Green, Frank Morrison, John Coefield, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of Wabash Railway Company,

Petitioners,

164 vs.

Richard F. Wild.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Borin Corporation, Formerly Zero Ice Corporation,

Petitioner,

165 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Senken-Galamba Corporation and W. C. Berry,

Petitioners,

167 vs.

Butler Iron & Steel Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Brigham Young University,

Petitioner,

172 vs.

Edith Cannon Lillywhite.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George H. Mason, Trustee in Bankruptcy of Worcester Motor Co., Inc.,

Petitioner,

173 vs.

John Wylde, et al.

On petition for writ of certiorari to the Superior Court, Worcester County, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court, Worcester County, Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jose Eduardo Casalduc, Trustee,
Petitioner,
174 vs.
Antonio Diaz Gonzalez, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary E. Chewning,
Petitioner,
175 vs.
The District of Columbia, A Municipal Corporation, Garnishee.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pauly Jail Building Company and Security Products Company,
Petitioners,
182 vs.
International Association of Bridge, Structural & Ornamental Iron Workers, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Axel Hawkinson,

Petitioner,

183 vs.

George Gaston Johnston.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Zoilo Mendez Rios,

Petitioner,

187 vs.

Clarence K. Bowie, et al., Trustees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Killoren, Trustee in Bankruptcy of Hamilton-Brown Shoe Company, Bankrupt,

Petitioner,

195 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New Amsterdam Casualty Company,

Petitioner,

202 vs.

The Miami Conservancy District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. D. Ryan and L. G. Howard, Trading as Keystone Transfer Company,

Petitioners,

203 vs.

The Pennsylvania Public Utility Commission.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nettie Meyer, Anna Jacobson, Jacob Meyerhoff, et al.,

Petitioners,

204 vs.

Kenmore-Granville Hotel Company, Samuel J. T. Straus, et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. Crawford Greene, Guardian of the Estate of Alice H. Lester, an Incompetent Person,

Petitioner,

205 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rubert Hermanos, Inc., et al.,

Petitioners,

207 vs.

The People of Puerto Rico.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert M. Hannan, et al.,

Petitioners,

211 vs.

City of Haverhill, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Pascone,
Petitioner,
213 vs.
Commonwealth of Massachusetts.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Barnett and Edna M. Barnett,
Petitioners,
212 vs.
Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fort Street Union Depot Company,
Petitioner,
214 vs.
Margaret M. Hillen, as Special Administratrix of the Estate of Samuel Hillen, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals of the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Nathan & Company, Inc., New Hampshire Fire Insurance Company,

Petitioners,

215 vs.

Red Cab, Incorporated, Frank Bird Transfer Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George H. Hayes, Jr.,

Petitioner,

218 vs.

C. C. Moore Construction Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Newfield, Trustee of the 671 Prospect Avenue Holding Corporation,

Petitioner,

219 vs.

East River Savings Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Freda R. Caspersen, Petitioner,
220 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Zacharie Brock, et al., Petitioners,
221 vs.
Bransdall Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank A. Ash, et al., Petitioners,
222 vs.
Barnsdall Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ruth Naomi Urseth,

Petitioner,

224 vs.

Sun Life Assurance Company of Canada.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. H. Wegener,

Petitioner,

225 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Twin Ports Oil Company,

Petitioner,

227 vs.

The Pure Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The S. S. White Dental Manufacturing Company,

Petitioner,

228 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. G. Trippett and A. H. Meadows, Transferees of Texota Corporation, Dissolved, et al.,

Petitioners,

230 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. D. Gordon,

Petitioner,

231 vs.

Cecil E. Vallee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles M. Koeberlein,
Petitioner,
vs.
George W. Durbin and Minnie L. Durbin, The Carter Oil Company, et al.

232

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederic H. Penn, Doing Business Under the Name and Style of Superlite Company, et al.,
Petitioners,
vs.
Novadel-Agene Corporation.

233

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Omaha Packing Company,
Petitioner,
vs.
Pittsburgh, Fort Wayne & Chicago Railway Company, The Pennsylvania Railroad Company, et al.

234

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby.

Per Mr. Chief Justice Stone.

John T. Clarke, Petitioner, vs. Barclay Park Corporation, Barclay Hotel Corporation, John F. Kroppy, et al.

236

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William G. Wheat, Petitioner, vs. Ford Motor Company.

237

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Hanson, Petitioner, vs. Lehigh Valley Railroad Company.

240

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maryland and Virginia Milk Producers' Association, Incorporated,

Petitioner,

243 vs.

District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph J. Kopke and Henry Hlavacek,

Petitioners,

246 vs.

The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henderson Supplee, Jr., Mrs. Marie Supplee Dickson and Mrs. Elizabeth S. Kirk, etc., et al.,

Petitioners,

247 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elstelnat Holding Corporation,

Petitioner,

253 vs.

Aaron L. Palmer, Trustee in Bankruptcy of Parkway Knitting Mills, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Doris Shipman Hunteman, Individually and as Guardian, etc.,

Petitioner,

254 vs.

New Orleans Public Service, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Elliott Sprinkle,

Petitioner,

260 vs.

Mose E. Davis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wm. C. Bachelder, Receiver for Hoosier Veneer Company,

Petitioner,

261 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. D. Walker, as Trustee in Bankruptcy of the Lake Nursery Company, Bankrupt,

Petitioner,

263 vs.

L. Maxcy, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

McClave & Company,

Petitioner,

266 vs.

George A. Carden, Daniel Loeb and Petitioning Creditors.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Young Men's Christian Association, a Corporation,

Petitioner,

269 vs.

New York Casualty Company, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

First Trust & Savings Bank of Oneida, Tennessee,

Petitioner,

270 vs.

Paul J. Kent, Receiver of Chattanooga National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. T. Smith,

Petitioner,

271 vs.

The Fourth National Bank of Tulsa, Oklahoma.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Massman Construction Company,

Petitioner,

274 vs.

Harry W. Bassett, Deputy Commissioner of United States Employees' Compensation Commission, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

White Swan Company,

Petitioner,

279 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway,

Petitioners,

282 vs.

J. H. Wiggins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., on Behalf of Themselves and all Other Owners and Holders of Bonds of Bloomfield Village Drain District and Bloomfield No. 1 Storm Sewer Drain District,

Petitioners,

287 vs.

Bloomfield Village Drain District, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., on Behalf of Themselves and all Other Owners and Holders of Bonds of Bloomfield Village Drain District and Bloomfield No. 1 Storm and Sewer Drain District,

Petitioners,

288 vs.

Bloomfield Village Drain District, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., on Behalf of Themselves and all Other Owners and Holders of Bonds of Martin Drain and Branches Drain District of Macomb County, Michigan,

Petitioners,

289 vs.

Martin Drain and Branches Drain District, a Public Quasi Corporation of Macomb County, Michigan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., on Behalf of Themselves and all Other Owners and Holders of Bonds of Center Line Relief Drain District of Macomb County, Michigan,

Petitioners,

290 vs.

Center Line Relief Drain District, a Quasi Corporation of Macomb County, Michigan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., on Behalf of Themselves and all Other Owners and Holders of Bonds of Nine-Mile-Halfway Drain District,

Petitioners,

291 vs.

Nine-Mile-Halfway Drain District, a Quasi Corporation of Macomb County, Michigan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals from the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles A. Bahr, Sr. and George Hamman, Executors of the Estate of Eugene L. Bender, Deceased,

Petitioners,

292 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Tillman, Petitioner,

293 vs.

The National City Bank of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marcelino Lontok, Petitioner,

294 vs.

Gregorio Battung and Canuto Fermin.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred I. Getty, Petitioner,

298 vs.

Kinzbach Tool Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

T. E. Stephens,

Petitioner,

299 vs.

Richman & Samuels, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank O. Lowden, et al., Trustees of the Choctaw, Oklahoma & Gulf Railroad Company,

Petitioners,

310 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Worthington Ames and Gertrude Ames, Husband and Wife,

Petitioners,

312 vs.

Empire Star Mines Company, Ltd.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lois Bowden and Zada Sanders,

Petitioners,

314 vs.

City of Fort Smith, Arkansas.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. A. Lynch, Receiver in Bankruptcy of the Estate of Leonard J. Woodruff, Bankrupt, et al.,

Petitioners,

316 vs.

P. M. Jackson, Trustee in Bankruptcy of the Estate of Leonard J. Woodruff, Bankrupt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Linus C. Coggan,

Petitioner,

317 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bear Gulch Water Company, Petitioner, vs. Commissioner of Internal Revenue. 319

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Amanta S. Maier, Petitioner, vs. The Continental Oil Company. 326

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward A. Blair, Petitioner, vs. The United States. 329

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hydroiloid, Incorporated, Verwaltungs Und Reorganizations A. G. Schwyz and Hermann Scherbak,

Petitioners,

330 vs.

L. L. Brown Paper Company, Ronald C. Lee and Joseph D. Lee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois Railroad Company (Substituted for Benjamin Wham, Trustee),

Petitioner,

333 vs.

Arthur F. Gourley.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Seagram & Sons, Inc.,

Petitioner,

334 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Spikes, Petitioner, vs. Street & Smith Publications, Inc.

336

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Prime Securities Corporation, Petitioner, vs. The United States of America.

337

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Michigan Silica Company, Petitioner, vs. The United States of America.

338

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General Chromium Corporation, Petitioner, vs. The United States of America.

339

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Senior Investment Corporation, Petitioner, vs. The United States of America.

340

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Udylite Company, Petitioner, vs. The United States of America.

341

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Cotton Products Company,
Petitioner,
342 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American National Bank of Indianapolis, as Trustee,
Petitioner,
343 vs.
The Service Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louisiana Delta Cattle Co., Inc.,
Petitioner,
346 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tasty Baking Company,

Petitioner,

347 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wisconsin Co-operative Milk Pool,

Petitioner,

350 vs.

First Wisconsin National Bank of Milwaukee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry S. Haskins, as Receiver for the Tuscarora-Nevada Mines Company,

Petitioner,

353 vs.

Roy F. Roseberry, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Morton, Trustee, and City National Bank, as Trustee and Individually,

Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil Stein,

Petitioner,

358 vs.

Preston Delano, Comptroller of the Currency, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leonard L. Edwards,

Petitioner,

497 vs.

Bingham Pump Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

System Federation No. 59 of the Railway Employees Department of the American Federation of Labor,

Petitioner,

506 vs.

Louisiana & Arkansas Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Texas and Pacific Railway Company, et al.,

Petitioners,

511 vs.

The Citizens National Bank in Abilene.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Board of Public Instruction for the County of Hernando, State of Florida,

Petitioner,

512 vs.

W. J. Meredith, James G. Martin and A. R. Ohmart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Outboard, Marine & Manufacturing Company,

Petitioner,

513 vs.

Muncie Gear Works, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commerce Title Guaranty Company,

Petitioner,

514 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph K. Sherman, Trustee, Estate of Lyttleton B. P. Gould, Bankrupt,

Petitioner,

515 vs.

William E. Buckley, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George H. Whiteley, Jr., Petitioner,
vs.
Commissioner of Internal Revenue.

516

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Sirocco Company, Petitioner,
vs.
The City of Miami.

517

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Camden Fire Insurance Association, Petitioner,
vs.
Jennie M. Sundquist, Administratrix of the Estate of Anton E. Sundquist, Deceased.

519

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Darling Stores Corporation,

Petitioner,

521 vs.

Young Realty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hercules Mining Company,

Petitioner,

522 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Ohio Oil Company and Magnolia Petroleum Company,

Petitioners,

528 vs.

Guy A. Thompson, Trustee for Missouri Pacific Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. B. Hall,

Petitioner,

534 vs.

The State of Georgia.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. Atwater Kent,

Petitioner,

537 vs.

Walter J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry N. Southard,

Petitioner,

538 vs.

Harry Jackson, Warden, Michigan State Prison, Jackson, Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving J. White,

Petitioner,

539 vs.

Irving Steinman, as Trustee, Nathan Pearlstein and Manhattan Bakeries, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Remington Nichols, Russell Mabbatt Nichols and Walter Rogers Nichols,

Petitioners,

540 vs.

Patrick J. Tuffy, Trustee in Bankruptcy of Mrs. Sarah M. Nichols, Deceased, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

N. S. Housman,

Petitioner,

542 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin Mahler and Julia F. Mahler,

Petitioners,

547 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Federal Life Insurance Company,

Petitioner,

560 vs.

Lester Ettman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Steamtug "Lackawanna", Margaret A. Jameson, et al., Co-partners Doing Business as Jay Street Terminal, etc.,

Petitioners,

561 vs.

Steamtug "S. & H. No. 2", Inc., as Owner of the Steamtug "S. & H. No. 2".

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James C. Jones,

Petitioner,

565 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James W. Murphy, Doing Business as La France Toledo Company,

Petitioner,

573 vs.

James A. Brady, Acting Collector of Internal Revenue for Ohio (Tenth District)

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Detrola Radio and Television Corporation,

Petitioner,

666 O.T. 1940 vs.

Hazeltine Corporation.

The opinion is amended by substituting the figure "8" for the figure "9" in the seventh line of the third paragraph of the opinion.

Per Mr. Chief Justice Stone.

Detrola Radio and Television Corporation,

Petitioner,

666 O.T. 1940 vs.

Hazeltine Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

90 O.T. 1940 vs.

The Bank of Nova Scotia.

ON CONSIDERATION of the motion for an extension of time to file a supplement to the petition for rehearing and of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration and decision of these motions.

Carlota Benitez Sampayo,

Petitioner,

90 O.T. 1940 vs.

The Bank of Nova Scotia.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration and decision of this petition.

Abraham L. Shushan,

Petitioner,

910 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this petition.

Robert J. Newman and Norvin T. Harris, Jr.,

Petitioners,

911 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this petition.

Henry J. Miller,

Petitioner,

912 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this petition.

Herbert W. Waguespack,

Petitioner,

913 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this petition.

Samuel D. Orwitz,

Appellant,

938 O.T. 1940 vs.

Board of Dental Examiners of the State of California.

ON CONSIDERATION of the motion for a writ of certiorari to correct a diminution of the record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Samuel D. Orwitz,

Appellant,

938 O.T. 1940 vs.

Board of Dental Examiners of the State of California.

A petition for rehearing having been filed in this case,

Upon consideration thereof and treating the paragraph which the appellant seeks to include in the record as duly certified, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

954 O.T. 1940 vs.

William T. Ballard, et al.

ON CONSIDERATION of the motion to consider new evidence herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

954 O.T. 1940 vs.

William T. Ballard, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pearl Assurance Company, Limited, of London, England, et al.,

Appellants,

1063 O.T. 1940 vs.

Charles F. J. Harrington, as Commissioner, etc.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Frankfurter took no part in the consideration and decision of this petition.

State of California,

Complainant,

—, Original
O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ellert L. McGrath,

Petitioner.

—, Original, O.T. 1940

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Kansas City, Kansas, et al.,

Appellants,

594 O.T. 1940 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

618 O.T. 1940 vs.

Patrick B. Classic, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

640 O.T. 1940 vs.

Alice M. Morgan, Administratrix of the Estate of F. O. Morgan, Deceased, Doing Business as F. O. Morgan Sheep Commission Company, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General Motors Corporation,

Petitioner,

738 O.T. 1940 vs.

The United States.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United Motor Service, Inc.,

Petitioner,

739 O.T. 1940 vs.

The United States.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Royal Indemnity Company,

Petitioner,

817 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Semar Farnsworth,

Petitioner,

917 O.T. 1940 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tom Wing Art, alias Wing Fook Tom, etc.,

Petitioner,

924 O.T. 1940 vs.

William A. Carmichael, District Director, etc.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Beland,

Petitioner,

966 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

South Atlantic Steamship Company of Delaware,

Petitioner,

969 O.T. 1940 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andrew J. Nichols, et al.,

Petitioners,

1045 O.T. 1940 vs.

Walter A. Todd, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Singer Manufacturing Company,

Petitioner,

1056 O.T. 1940 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank C. Rand,

Petitioner,

1058 O.T. 1940 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Mr. Acting Solicitor General Fahy presented the Honorable Francis Biddle, of Pennsylvania, Attorney General of the United States. The Chief Justice said:

"Mr. Attorney General, we welcome you to the performance of the important duties which devolve upon you as the Chief Law Officer of the Government and as an officer of this Court. Your commission will be recorded."

Which said commission is in the following words and figures, viz:

"FRANKLIN D. ROOSEVELT

President of the United States of America,

To all who shall see these presents, Greeting:

KNOW YE, that reposing special trust and confidence in the Patriotism, Integrity and Abilities of FRANCIS BIDDLE, of Pennsylvania, I do appoint him ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said FRANCIS BIDDLE during the pleasure of the President of the United States, for the time being, and until the end of the next session of the Senate of the United States and no longer.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this fifth day of September, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

S E A L

By the President:
CORDELL HULL
Secretary of State.

FRANKLIN D. ROOSEVELT"

Ex parte State of Texas, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

C. M. Lane Lifeboat Company, Inc., et al.,

Petitioners,

303 vs.

The United States of America.

Reported for failure to comply with the rules.

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Harry Bridges,

Petitioner,

1 vs.

State of California.

Reargued by Mr. Osmond K. Fraenkel for the Petitioner and by Mr. Allen W. Ashburn for the Respondent.

Leave granted Respondent to file brief by Thursday next.

The Times-Mirror Company and L. D. Hotchkiss,

Petitioners,

3 vs.

The Superior Court of the State of California in and for the County of Los Angeles.

Reargument commenced by Mr. T. B. Cosgrove for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Robert E. Noelker, Esquire, of Morris, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vance Plauche, It is ordered that Cicero C. Sessions, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Jose Luis Avellanal, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis S. Middleton, It is ordered that James Edwin Archer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that William Jerome Pollack, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Woods, It is ordered that

Franklin Joyce Cox, Esquire, of Houston,
State of Texas; and

Richard M. Fennemore, Esquire, of Phoenix,
State of Arizona;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Orille C. Gaudette, Esquire, of Lowell, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Bell, It is ordered that

William Marshall Slayden II, Esquire, of Waverly,
State of Tennessee; and

John Lansdale, Jr., Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that Henry A. Hirshberg, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that John Catlin Kendall, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy A. Fulcher, It is ordered that Linus A. Verzi, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O R D E R

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice
For the Second Circuit,	Robert H. Jackson,	Associate Justice
For the Third Circuit,	Owen J. Roberts,	Associate Justice
For the Fourth Circuit,	Harlan F. Stone,	Chief Justice
For the Fifth Circuit,	Hugo L. Black,	Associate Justice
Fos the Sixth Circuit,	Stanley Reed,	Associate Justice
For the Seventh Circuit,	James Francis Byrnes,	Associate Justice
For the Eighth Circuit,	Frank Murphy,	Associate Justice
For the Ninth Circuit,	William O. Douglas,	Associate Justice
For the Tenth Circuit,	Frank Murphy,	Associate Justice
For the District of Columbia,	Harlan F. Stone,	Chief Justice.

Per Mr. Chief Justice Stone.

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H. W. Ferguson,

Petitioner,

196 vs.

The United States of America.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Wm. D. Donnelly for the Petitioner.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that William Jerome Pollack, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Woods, It is ordered that

Franklin Joyce Cox, Esquire, of Houston,
State of Texas; and

Richard M. Pennemore, Esquire, of Phoenix,
State of Arizona;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Orille C. Gaudette, Esquire, of Lowell, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Bell, It is ordered that

William Marshall Slayden II, Esquire, of Waverly,
State of Tennessee; and

John Lansdale, Jr., Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that Henry A. Hirshberg, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that John Catlin Kendall, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy A. Fulcher, It is ordered that Linus A. Verzi, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O R D E R

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice
For the Second Circuit,	Robert H. Jackson,	Associate Justice
For the Third Circuit,	Owen J. Roberts,	Associate Justice
For the Fourth Circuit,	Harlan F. Stone,	Chief Justice
For the Fifth Circuit,	Hugo L. Black,	Associate Justice
For the Sixth Circuit,	Stanley Reed,	Associate Justice
For the Seventh Circuit,	James Francis Byrnes,	Associate Justice
For the Eighth Circuit,	Frank Murphy,	Associate Justice
For the Ninth Circuit,	William O. Douglas,	Associate Justice
For the Tenth Circuit,	Frank Murphy,	Associate Justice
For the District of Columbia,	Harlan F. Stone,	Chief Justice.

Per Mr. Chief Justice Stone.

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H. W. Ferguson,

Petitioner,

196 vs.

The United States of America.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Wm. D. Donnelly for the Petitioner.

H. W. Ferguson,

Petitioner,

196 vs.

The United States of America.

ON CONSIDERATION of the motion to withhold the issuance of the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Times-Mirror Company and
L. D. Hotchkiss,

Petitioners,

3 vs.

The Superior Court of the State
of California in and for the
County of Los Angeles.

Reargument continued by Mr. T. B. Cosgrove for the Petitioners and concluded by Mr. Allen W. Ashburn for the Respondent.

Martin J. Bernards and Lena Bernards,

Petitioners,

2 vs.

M. R. Johnson, et al.

Reargued by Mr. William Lemke for the Petitioners and by Mr. William Brewster and Mr. H. G. Platt for the Respondents.

Major Raymond Lisenba,

Petitioner,

4 vs.

The People of the State of California; and

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Major Raymond Lisenba,

Petitioner,

5 vs.

The People of the State of California.

Reargument commenced by Mr. Morris Lavine for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hiram W. Johnson, It is ordered that

William T. Sweigert, Esquire, of San Francisco, State of California; and

Hiram W. Johnson 3rd, Esquire, of San Francisco, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peyton R. Evans, It is ordered that Mervin Allen Ziegler, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that Herbert S. Miller, Esquire, of Middletown, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Thomas LeBeau Pekete, Esquire, of East Saint Louis, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Reginald Carl Harmon, Esquire, of Urbana, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis C. Cassidy, It is ordered that Gilberto Concepcion, Esquire, of Vega Alta, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Lee Boatwright, Jr., It is ordered that William Page Dame, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph T. Harrington, It is ordered that Lawrence J. Dahlgren, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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S. Elbert Pike, et al.,

Petitioners,

285 vs.

Frank C. Walker (substituted for James A. Farley), as Postmaster General of the United States, et al.

Motion to withhold order denying certiorari presented by Mr. Horace J. Donnelly, Jr., for the Petitioners.

S. Elbert Pike, et al.,

Petitioners,

285 vs.

Frank C. Walker (substituted for James A. Farley), as Postmaster General of the United States, et al.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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Major Raymond Lisenba,

Petitioner,

4 vs.

The People of the State of California; and

Major Raymond Lisenba,

Petitioner,

5 vs.

The People of the State of California.

Reargument continued by Mr. Morris Lavine for the Petitioner; by Mr. Everett W. Mattoon for the Respondent; and concluded by Mr. Eugene D. Williams for the Respondent.

City of Indianapolis, et al.,

Petitioners,

10 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al;

City of Indianapolis, et al.,

Petitioners,

11 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

12 vs.

Citizens Gas Company of Indianapolis, et al.;

and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

13 vs.

The Indianapolis Gas Company, et al.

Reargument commenced by Mr. Howard P. Burns for the Chase National Bank; continued by Mr. William H. Thompson for the City of Indianapolis; by Mr. William G. Sparks for the Citizens Gas Co.; and by Mr. William R. Higgins for the Indianapolis Gas Co.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Grant T. Anderson, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Joseph V. McEnery, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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George E. Morton, Trustee, et al.,
Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

Motion to withhold order denying certiorari submitted by counsel for the Petitioners.

George E. Morton, Trustee, et al.,

Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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City of Indianapolis, et al.,

Petitioners,

10 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

City of Indianapolis, et al.,

Petitioners,

11 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

The Chase National Bank of the City of New York, Trustee, etc.;

Petitioner,

12 vs.

Citizens Gas Company of Indianapolis, et al.; and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

13 vs.

The Indianapolis Gas Company, et al.

Reargument continued by Mr. William R. Higgins for the Indianapolis Gas Co.; by Mr. Howard F. Burns for the Chase National Bank; and

concluded by Mr. William H. Thompson for the City of Indianapolis.

Commercial Molasses Corporation,

Petitioner,

14 vs.

New York Tank Barge Corporation,
as chartered owner, etc.

Reargued by Mr. T. Catesby Jones for the Petitioner and by Mr. Robert S. Erskine for the Respondent.

New York, Chicago & St. Louis
Railroad Company,

Appellant,

15 vs.

Dorothea T. Frank.

Motion for leave to file brief as amicus curiae submitted by Mr. Otto C. Sommerich, Counsel for Leonard L. Oster and others, holders of Northern Ohio Railroad Company first mortgage bonds due 1945, and the motion denied.

New York, Chicago & St. Louis
Railroad Company,

Appellant,

15 vs.

Dorothea T. Frank.

Reargument commenced by Mr. William J. Donovan for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George E. Cooper, It is ordered that Bertrand Rhine, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aram G. Panossian, It is ordered that Jack L. Graham, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan B. Brown, It is ordered that J. Lambert Gibson, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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William D. Pelley,

Petitioner,

150 vs.

John B. Colpoys, United States Marshal in and for the District of Columbia.

Motion to withhold order denying petition for writ of certiorari submitted by counsel for the Petitioner.

General Motors Corporation, et al.,

Petitioners,

352 vs.

The United States of America.

Motion to withhold order denying petition for writ of certiorari submitted by counsel for the Petitioners.

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New York, Chicago & St. Louis Railroad Company,

Appellant,

15 vs.

Dorothea T. Frank.

Reargument continued by Mr. William J. Donovan for the Appellant and concluded by Mr. Louis J. Vorhaus for the Appellee.

Samuel R. Toucey,

Petitioner,

16 vs.

New York Life Insurance Company.

Reargued by Mr. Richard S. Righter for the Respondent and case submitted by Mr. Samuel R. Toucey, pro se.

Phoenix Finance Corporation,

Petitioner,

19 vs.

Iowa-Wisconsin Bridge Company.

Reargument commenced by Mr. James R. Morford for the Petitioner and continued by Mr. Fred A. Ontjes for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, OCTOBER 20, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Oscar H. Davis, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that William John Beer, Esquire, of Royal Oak, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Edward Gaulkin, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that Joseph W. Conway, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Jno. F. Scott, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Vreeland, It is ordered that

Rudolph A. Huebner, Esquire, of Newark,
State of New Jersey; and

Elmer L. Fagundus, Esquire, of Newark,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin J. McNamara, It is ordered that Stanley E. Macora, Esquire, of Clinton, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Charles H. Wager, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Carpenter Elgin, It is ordered that Robert W. Allnutt, Jr., Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald C. McMullen, It is ordered that

D. Frederick McMullen, Esquire, of Tampa,
State of Florida; and

Neil C. McMullen, Esquire, of Tampa,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M.

Niebell, It is ordered that Frank J. O'Connor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome R. Epstein, It is ordered that David M. Bockenek, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawson Romjue, It is ordered that

Carroll Comer Gilpin, Esquire, of Saint Louis, State of Missouri; and

Robert Nagel Jones, Esquire, of Saint Louis, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Ingebretsen, It is ordered that Frederick E. Hines, Esquire, of Santa Monica, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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State of Louisiana, Plaintiff, vs. Claude Cummins, et al. —, Original

On motion for leave to file complaint.

ON CONSIDERATION of the motion for leave to file the complaint in the above entitled cause and of the returns to the rule to show cause thereupon issued.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the want of jurisdiction.

AND IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

Aponaug Manufacturing Company, Appellant, vs. Alfred H. Stone, Chairman, State Tax Commission, et al.

Appeal from the Supreme Court of the State of Mississippi.

626

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this case, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk, and will not be announced orally."

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Meyer Middleman, Petitioner, vs. The United States.

ON CONSIDERATION of the application submitted herein by Meyer Middleman,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Godfrey D. Ricketts,

Petitioner.

ON CONSIDERATION of the application submitted herein by Godfrey D. Ricketts,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mrs. Jule S. Jackson,

Petitioner.

ON CONSIDERATION of the application submitted herein by Mrs. Jule S. Jackson,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Virgil Current,

Petitioner.

---, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the United States District Court.

Per Mr. Chief Justice Stone.

Ex parte Lloyd Wiley,

Petitioner,

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte David H. Johnson,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Andrew Frey,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ben Sims,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Daniel Patrick Doyle,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Lefkowitz,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Homer Franks,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William H. Padgett,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Fred Reger,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Barber,

Petitioner,

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Roberson,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Herman Barmore,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Kenneth Gerard,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George D. Latimer,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ernest Diefenbach,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John R. Miller,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James M. Wright,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas M. McNeill,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Jessie E. Moore,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Samuel White,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Edward Casebeer,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte State of Texas, et al.,

Petitioner.

—, Original

A rule is ordered to issue returnable November 10, next, requiring the Respondents to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Stone.

Ex parte Raymond Oswald Demaurez,

Petitioner.

10, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Raymond Oswald Demaurez,

Petitioner.

10, Original

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Oswald Demaurez,

Petitioner.

10, Original

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

901 O.T. 1940 vs.

Hyman Wohl and Louis Platzman.

A petition for rehearing having been submitted in this case by Respondents.

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted. The judgment entered June 2, 1941, is vacated and the mandate is recalled. The case is assigned for argument immediately following No. 142.

Per Mr. Chief Justice Stone.

Martin M. Goldman,

Petitioner,

962 O.T. 1940 vs.

The United States of America.

ON CONSIDERATION of the motion to defer consideration of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Martin M. Goldman,

Petitioner,

962 O.T. 1940 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Jacob P. Shulman,

Petitioner,

963 O.T. 1940 vs.

The United States of America.

ON CONSIDERATION of the motion to defer consideration of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Jacob P. Shulman,

Petitioner,

963 O.T. 1940 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

ON CONSIDERATION of the motion to defer consideration of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Dr. Maximilian Goldstein, et al.,

Petitioners,

256 vs.

The United States of America.

This case is assigned for argument immediately following Nos. 962, 963, and 980, October Term, 1940.

Per Mr. Chief Justice Stone.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

This case is assigned for argument immediately following No. 901, October Term, 1940.

Per Mr. Chief Justice Stone.

The Carter Oil Company,

Petitioner,

7 vs.

John F. Welker, et al.

ON CONSIDERATION of the motion of Respondents to dismiss the writ of certiorari or affirm the judgment of the Court below,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William D. Pelley,

Petitioner,

150 vs.

John P. Colpoys, United States Marshal, etc.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

General Motors Corporation, et al.,

Petitioners,

352 vs.

The United States of America.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

Louis Harrison,

Petitioner,

305 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Harrison,

Petitioner,

305 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. D. Martindale,

Petitioner,

562 vs.

Los Angeles County Flood Control District.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. D. Martindale,

Petitioner,

562 vs.

Los Angeles County Flood Control District.

On petition for writ of certiorari to the District Court of Appeal of the State of California, First Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, First Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton N. Fain,

Petitioner,

570 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton N. Fain,

Petitioner,

570 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. C. Samples,

Petitioner,

574 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. C. Samples,

Petitioner,

574 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Francis Kicak,

Petitioner,

583 vs.

Alfred Hauber, Executor of the Estate of Daniel B. Kirby, Deceased.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Francis Kicak,

Petitioner,

583 vs.

Alfred Hauber, Executor of the Estate of Daniel B. Kirby, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

593 vs.

John P. McMahon, Karl Kindelberger and Thomas M. Rives.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

593 vs.

John P. McMahon, Karl Kindleberger and Thomas M. Rives.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Williams Manufacturing Company,

Petitioner,

332 vs.

United Shoe Machinery Corporation.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Adolph B. Spreckels,

Petitioner,

581 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Adolph B. Spreckels,

Petitioner,

582 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

588 vs.

Electric Vacuum Cleaner Company, Inc., and International Molders' Union of North America, Local 430, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Columbia River Packers Association, Inc.,

Petitioner,

142 vs.

H. B. Hinton, George Bambrick, J. B. Brandt, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 124.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Louis Weber,

Petitioner,

523 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

C. M. Lane Lifeboat Company, Inc., and Hartford Accident and Indemnity Company,

Petitioners,

303 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

IT APPEARING to the Court that counsel for the Petitioners have failed to comply with the rules of this Court in this case;

IT IS, THEREFORE, ORDERED by this Court that the petition for writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.

ON CONSIDERATION of the motion for leave to dispense with the filing and printing of unnecessary portions of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

122 vs.

Johanna F. Fiske, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that it was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

Springfield, Ohio, Local No. 352, of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, et al.,

Petitioners,

160 vs.

William Settos, Lessee of Liberty Theatre, D.B.A. Liberty Theatre.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Stein, Trading as Jean Chemical Company and National Union Indemnity Company,

Petitioner,

524 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Ralph W. Crews, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

548

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Robert E. Crews, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

549

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Amy Tresner, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

550

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Charles Crews,

Petitioner,

551 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Everett J. Crews,

Petitioner,

552 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Mary Willis,

Petitioner,

553 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

C. R. Kirk & Company,

Petitioner,

555 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Andrew Grant Ilseng, Jr.,

Petitioner,

543 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

Andrew G. Ilseng,

Petitioner,

544 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

Leslie A. McKercher,

Petitioner,

545 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration and decision of this application.

J. Edward Jones,

Petitioner,

585 vs.

Joseph P. Kennedy, James M. Landis, George C. Mathews and Robert E. Healy.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration and decision of this application.

L. R. Powell and Henry W. Anderson, Receivers of Seaboard Air Line Railway Company, et al.,

Petitioners,

559 vs.

John Grant Laughter.

ON CONSIDERATION of the motion to substitute A. B. Laughter, Administrator of the Estate of John Grant Laughter, Deceased, as the party respondent herein in place of John Grant Laughter, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

L. R. Powell and Henry W. Anderson, Receivers of Seaboard Air Line Railway Company, et al., Petitioners,

559 vs.

A. B. Laughter, Administrator of the Estate of John Grant Laughter, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. S. Oliver, Petitioner,

356 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. P. Sellers, Petitioner,

357 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Getz, R. P. Lyman, Jr., and Daniel W. Goodenough,

Petitioners,

504 vs.

Town of Belleair, a Municipal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Town of Belleair, a Municipal Corporation,

Petitioner,

609 vs.

John C. Getz, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hancock Oil Company,

Petitioner,

557 vs.

Universal Oil Products Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. C. Carstens, Thomas A. Landreth, V. R. Hyslop, et al.,

Petitioners,

563 vs.

Public Utility District No. 1 of Lincoln County, et al., etc.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. F. Coen,

Petitioner,

571 vs.

American Surety Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Creek Nation,

Petitioner,

572 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Seymour S. Sharp, Superintendent of Water Division No. 1, State of Wyoming, et al.,

Petitioners,

575 vs.

The Mitchell Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Finsterwald Furniture Company,

Petitioner,

576 vs.

Finsterwald Clothing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Florence H. Ehrman, Clara Hellman Heller, Frances J. Hellman, et al.,

Petitioners,

577 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ben May,

Petitioner,

578 vs.

The Midwest Refining Company, Standard Oil Company and Stanolind Oil and Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dionysia E. Tserioni and Polytime Antonopulo, etc., et al.,

Petitioners,

579 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ford Motor Company,

Petitioner,

580 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. F. Reich, Doing Business as Automotive Products Co.,

Petitioner,

587 vs.

Champion Spark Plug Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Oil Co. of New Jersey,

Petitioner,

590 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. A. Sprague, Receiver for the Chicago, North Shore and Milwaukee Railroad Company,

Petitioner,

592 vs.

J. Albert Woll, United States Attorney for the Northern District of Illinois, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fidelity Union Trust Company,
et al.,

Petitioners,

32 vs.

Ethel Adelaide Field.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R.

The Court will take a recess from Monday, October 27, until Monday, November 10, next.

Per Mr. Chief Justice Stone.

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Ex parte G. H. Burnham,

Petitioner.

—, Original

Motion for leave to file petition for writ of mandamus presented.

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Phoenix Finance Corporation,

Petitioner,

19 vs.

Iowa-Wisconsin Bridge Company.

Reargument concluded by Mr. Fred A. Ontjes for the Respondent.

The Baltimore and Ohio Railroad Company,

Petitioner,

20 vs.

Frederick S. Kepner.

Reargued by Mr. Harry H. Bryer and Mr. Morison R. Waite for Petitioner and by Mr. Samuel T. Gaines for the Respondent.

Southern Railway Company,

Petitioner,

24 vs.

Ethel Painter, Administratrix, etc.

Argument commenced by Mr. Sidney S. Alderman for the Petitioner and continued by Mr. Roberts P. Elam for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. F. Camalier, It is ordered that Hazel M. Costello, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that H. C. Harper, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Cicero Wilson, It is ordered that Bruce M. Forrester, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Milton Campbell, It is ordered that George S. Wilson, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Robert B. Fennell,

Petitioner,

668 vs.

Jules S. Bache, et al.

Motion for extension of time within which to file brief opposing petition for writ of certiorari presented by Mr. Frank J. O'Connor for the Respondents.

Robert B. Fennell,

Petitioner,

668 vs.

Jules S. Bache, et al.

ON CONSIDERATION of the motion to extend the time within which to file brief opposing the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including November 20, next.

Per Mr. Chief Justice Stone.

C. H. Cochran,

Petitioner,

510 vs.

The State of Kansas and Milton P. Amrine, Warden, Kansas State Penitentiary.

IT IS ORDERED that H. Thomas Austern, Esquire, of Washington, D. C., a member of the bar of this Court, be, and he is hereby, appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Stone.

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Southern Railway Company,

Petitioner,

24 vs.

Ethel Painter, Administratrix, etc.

Argument concluded by Mr. Roberts P. Elam for the Respondent.

Fred F. Edwards,

Appellant,

17 vs.

The People of the State of California.

Reargument commenced by Mr. Samuel Slaff for the Appellant; continued by Mr. John H. Tolan for the Select Committee of the House of Representatives of the United States, appointed pursuant to House Resolution No. 63, April 22, 1940, to investigage Interstate Migration of Destitute Citizens, as amicus curiae, by special leave of Court; and concluded by Mr. W. T. Sweigert for the Appellee.

H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioner,

18 vs.

Legh R. Powell, Jr., et al.

Reargument commenced by Mr. Robert L. Stern for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

Marie Cole Berger, of Chicago, (Miss)* State of Illinois; and

Paul F. Mickey, Esquire, of Winston-Salem, State of North Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Frank J. Mahoney, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that

Stanley C. Moulton, Esquire, of Elizabeth, State of New Jersey; and

Peter J. Gaylor, Esquire, of Union, State of New Jersey;

*(Certificate made out "Washington, D.C." See note in rough Minutes.)

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Austin Corcoran,

Petitioner,

639 vs.

Montgomery Ward & Company, Inc.

Motion for extension of time within which to file brief opposing petition for writ of certiorari submitted by counsel for the Respondent.

Austin Corcoran,

Petitioner,

639 vs.

Montgomery Ward & Company, Inc.

ON CONSIDERATION of the motion to extend the time within which to file brief opposing the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including November 17, next.

Per Mr. Chief Justice Stone.

J. Edward Jones,

Petitioner,

585 vs.

Joseph P. Kennedy, et al.

Motion to withhold order denying petition for writ of certiorari presented by Mr. James J. Laughlin for the Petitioner.

J. Edward Jones,

Petitioner,

585 vs.

Joseph P. Kennedy, et al.

ON CONSIDERATION of the motion to withhold the issuance of the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

18 vs.

Legh R. Powell, Jr., et al.

Reargument continued by Mr. Robert L. Stern for the Petitioners and concluded by Mr. W. R. C. Cocke for the Respondents.

George C. Reitz,

Appellant,

21 vs.

Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York.

Reargued by Mr. Harry A. Allan for the Appellant and by Mr. Jack Goodman for the Appellee.

The Automatic Devices Corporation,

Petitioner,

6 vs.

Sinko Tool & Manufacturing Company.

Argued by Mr. Drury W. Cooper for the Petitioner and by Mr. Russell Wiles and Mr. Bernard A. Schroeder for the Respondent.

The Cuno Engineering Corporation,

Petitioner,

37 vs.

The Automatic Devices Corporation.

Argument commenced by Mr. Robert Starr Allyn for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Joseph R. Roach, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that

Louis Young, Esquire, of New York, State of New York; and

Anthony John Albert, Esquire, of Santa Fe, State of New Mexico;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wattawa, It is ordered that Bernard A. Grossman, Esquire, of ~~Chicago~~ New York, State of ~~Illinois~~ New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that Carolyn Royall Just, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John A. Gilmore, It is ordered that Robert E. Haythorne, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank E. Hook, It is ordered that Solomon W. Patek, Esquire, of Ironwood, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Cuno Engineering Corporation,

Petitioner,

37 vs.

The Automatic Devices Corporation.

Argument continued by Mr. Robert Starr Allyn for the Petitioner; by Mr. Drury W. Cooper for the Respondent; and concluded by Mr. Carlton Hill for the Petitioner.

The Federal Land Bank of Saint Paul,

Petitioner,

76 vs.

Bismarck Lumber Company, et al.

Argued by Mr. Warner W. Gardner for the Petitioner and by Mr. P. O. Sathre for the Respondents.

State of Alabama,

Petitioner,

602 vs.

King and Boozer, a partnership, etc., et al.

Argument commenced by Mr. Thomas S. Lawson for the Petitioner and continued by Mr. Acting Solicitor General Fahy for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. A. VanOrsdel, It is ordered that Cecil B. Hamilton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Frank L. Blackman, Esquire, of Jackson, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sebastian Gaeta, It is ordered that Michael A. Dwyer, Esquire, of Ridgewood, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred G. Athearn, It is ordered that Leigh Athearn, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Woods, It is ordered that Henry W. Allen, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Joseph F. Sharp, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Cary, It is ordered that Michael H. Cardozo, IV, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon Thomas David, It is ordered that Fred A. Steiner, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Alabama,

Petitioner,

602 vs.

King and Boozer, a partnership, etc., et al.

Argument continued by Mr. Acting Solicitor General Fahy for the Respondents and concluded by Mr. John W. Lapsley for the Petitioner.

John C. Curry, Individually, etc.,

Petitioner,

603 vs.

The United States of America, et al.

Argument commenced by Mr. John W. Lapsley for the Petitioner, continued by Mr. Acting Solicitor General Fahy for the Respondents, and con-

cluded by Mr. Thomas S. Lawson for the Petitioner.

Chrysler Corporation, et al.,

Appellants,

40 vs.

The United States of America.

Argued by Mr. Nicholas Kelley for the Appellants and by Mr. Assistant Attorney General Arnold for the Appellee.

Commercial Credit Company, et al.,

Appellants,

41 vs.

The United States of America.

Submitted by Mr. Duane R. Dills and Mr. W. Russell Mules for the Appellants, and by Mr. Acting Solicitor General Fahy, Mr. Assistant Attorney General Arnold, and Mr. Charles H. Weston for the Appellee.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Martin Norr, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that R. Carter Tucker, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Walter W. Land, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Samuel Becker, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Lawrence A. Cowen, Esquire, of San Rafael, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred A. Steiner, It is ordered that Victor R. Hansen, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that

John V. Lewis, Esquire, of San Francisco, State of California; and

Clyde C. Sherwood, Esquire, of San Francisco, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis J. O'Brien, It is ordered that John N. Hughes, Jr., Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Worthington Campbell, Esquire, of Short Hills, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Browning Heffelfinger, It is ordered that Eugene Xavier Murphy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Koehler, It is ordered that Ambler H. Moss, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

Ralph H. Ferrell, Esquire, of Miami,
State of Florida; and

Ralph H. Ferrell, Jr., Esquire, of Richmond,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Chief Justice announced the following order of the Court:

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State of Louisiana,

Plaintiff,

—, Original vs.

Claude Cummins, et al.

ON CONSIDERATION of the motion to strike Abraham L. Shushan, the citizen of Louisiana, as a party defendant herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

State of Louisiana,

Plaintiff,

—, Original vs.

Claude Cummins, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

State of Louisiana,
Plaintiff,
—, Original vs.
Claude Cummins, et al.

On motion for leave to file complaint.

ON CONSIDERATION of the motion for leave to file the complaint in the above entitled cause and of the returns to the rule to show cause thereupon issued,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

IT IS ORDERED by this Court that Hugh D. McLellan, of Boston, Massachusetts, be, and he hereby is, appointed a member of the Advisory Committee appointed February 3, 1941, to assist the Court in the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States, in place of Newman F. Baker, deceased.

Per Mr. Chief Justice Stone.

Ex parte Robert Wright,
Petitioner.
—

ON CONSIDERATION of the application submitted herein by Robert Wright,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte J. L. Stewart,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte G. H. Burnham, et al.,

Petitioners.

—, Original

A rule is ordered to issue, returnable November 10, next, requiring the Respondent to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al.,

Petitioners,

287 vs.

Bloomfield Village Drain District, etc., et al.;

Kenneth M. Keefe, et al.,

Petitioners,

288 vs.

Bloomfield Village Drain District, etc., et al.;

Kenneth M. Keefe, et al.,

Petitioners,

289 vs.

Martin Drain and Branches Drain District, et al.;

Kenneth M. Keefe, et al.,

Petitioners,

290 vs.

Center Line Relief Drain District, et al.; and

Kenneth M. Keefe, et al.,

Petitioners,

291 vs.

Nine-Mile-Halfway Drain District, et al.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Haywood Pope,

Petitioner,

584 vs.

Edward M. Curran and Charles E. Stewart.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Haywood Pope,

Petitioner,

584 vs.

Edward M. Curran and Charles E. Stewart.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas R. Cox,

Petitioner,

598 vs.

Joseph H. Wilson, as Warden of New York State - Great Meadows Prison - Comstock, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas R. Cox,

Petitioner,

598 vs.

Joseph H. Wilson, as Warden of New York State - Great Meadows Prison - Comstock, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian W. Fretwell,

Petitioner,

618 vs.

Peoples Service Drug Stores, Inc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian W. Fretwell,

Petitioner,

618 vs.

Peoples Service Drug Stores, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Wright,

Petitioner,

620 vs.

The Union Central Life Insurance Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Wright,

Petitioner,

620 vs.

The Union Central Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Safe Deposit and Trust Company of Baltimore, Trustee Under Wills of R. J. Reynolds and Katherine S. Johnston, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

M. Hampton Magruder, Collector of Internal Revenue,

Petitioner,

601 vs.

Washington, Baltimore and Annapolis Realty Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mark Graves, et al., as Commissioners Constituting the State Tax Commission of the State of New York,

Petitioners,

604 vs.

Carl J. Schmidlapp and Elizabeth E. Gorrie, as Executors of the Last Will and Testament of Eugene V. R. Thayer, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Surrogates Court of the County of New York, State of New York, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

622 vs.

A. H. Belo Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wallace Groves,

Petitioner,

605 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration and decision of this application.

Marrs McLean,

Petitioner,

624 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The Terminal and Shaker Heights Realty Company (Formerly Midamerica Corporation),

Petitioner,

612 vs.

The Van Sweringen Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

The Terminal and Shaker Heights Realty Company (Formerly Midamerica Corporation),

Petitioner,

613 vs.

Van Sweringen Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

The Terminal and Shaker Heights Realty Company (Formerly Midamerica Corporation),

Petitioner,

614 vs.

The Cleveland Terminal Building Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Douglas took no part in the consideration and decision of this application.

Carroll O. Still,

Petitioner,

606 vs.

The United States of America.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carroll O. Still,

Petitioner,

606 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Peyton West and Maurice John West,

Petitioners,

623 vs.

American Telephone and Telegraph Company.

ON CONSIDERATION of the motion to use the certified record in Nos. 44 and 45, October Term, 1940, and to dispense with the printing thereof,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Peyton West and Maurice John West,

Petitioners,

623 vs.

American Telephone and Telegraph Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of

the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William S. Lovell and Douglas Gordon Lovell,

Petitioners,

38 vs.

Dulac Cypress Company, Ltd., and J. M. Burguieres Company, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dulac Cypress Company, Ltd., and J. M. Burguieres Company, Ltd.,

Petitioners,

82 vs.

William S. Lovell and Douglas Gordon Lovell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Takoma Park Bank, Inc., Petitioner,
vs.
Leroy Abbott.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

594

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Collin & Gissel (Ludwig Baer), Petitioner,
vs.
The United States of America.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

597

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clayton Lofland, Petitioner,
vs.
Clarence H. Fox, Receiver of the Hartford Sterling Co., Inc.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

599

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elizabeth Morgan,

Petitioner,

607 vs.

Milton C. Potter, Superintendent of Milwaukee Public Schools of the City of Milwaukee.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton H. Friend, et al., as Trustees of the Trust Estate Created Under the Last Will and Testament of Harry Friend, Deceased,

Petitioners,

608 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles W. Gammons, Frank B. Lawler and Luther Hill, Executors and Trustees Under the Will of Bryan R. Houghton,

Petitioners,

615 vs.

Thomas B. Hassett, Collector of Internal Revenue for the District of Massachusetts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Justus S. Wardell, Receiver, District National Bank of Washington,

Petitioner,

616 vs.

District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vernon J. Brown, Theodore I. Fry, Harry F. Kelly, et al., etc.,

Petitioners,

617 vs.

J. B. Simpson, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

I T I S O R D E R E D by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

North Miami, Florida,

Petitioner,

625 vs.

W. J. Meredith, James G. Martin and A. R. Ohmart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Warehousemen's Union, Local 117, International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, etc.,

Petitioner,

627 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

McKesson & Robbins, Inc., McKesson-Stewart-Holmes Drug and Blumauer Frank Drug, Divisions,

Petitioners,

628 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Barnett and Edna M. Barnett,

Petitioners,

212 vs.

Reconstruction Finance Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Hugh Engels,

Petitioner,

296 vs.

M. F. Amrine, Warden, Kansas State Penitentiary, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

507 vs.

The State of Kansas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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John F. Moran, Receiver of the Prudential Bank,

Petitioner,

518 vs.

James A. Cobb.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that the petition for writ of certiorari be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, November 10, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Robt. R. Mullen, Jr., Esquire, of Alice, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Joseph P. O'Hara, Esquire, of Glencoe, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Mahar, It is ordered that Joseph A. Struett, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Henry T. McGown, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that

Rudolph L. Miller, Esquire, of Emmetsburg,
State of Iowa;

Rutledge Slattery, Esquire, of Philadelphia,
State of Pennsylvania; and

Frank P. Slattery, Esquire, of Wilkes-Barre,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Percy C. Pewell, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that

Tom D. Lumpkin, Esquire, of Amarillo,
State of Texas; and

John T. Plunket, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that Paul Peek, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald R. Richberg, It is ordered that

David James Kadyk, Esquire, of Chicago,
State of Illinois;

George W. Hunt, Esquire, of Peoria,
State of Illinois;

Delta Ira Jarrett, Esquire, of Chicago,
State of Illinois;

George Z. Barnes, Esquire, of Peoria,
State of Illinois; and

Howard White, Esquire, of Peoria,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas L. Mead, Jr., It is ordered that Nubar Wright, Esquire, of Lovelock, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Reece Harrison, It is ordered that Brainerd W. LaTourette, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Graves, It is ordered that

Malcolm K. Buckley, Esquire, of Buffalo,
State of New York; and

Conrad Christel, Esquire, of Buffalo,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Northcutt Ely, It is ordered that Neil S. McCarthy, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Marshall, It is ordered that Paul G. Parsons, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles I. Francis, It is ordered that David T. Searls, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that Richard P. MacMulty, Esquire, of San Diego, State

of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The Federal Land Bank of Saint Paul, Petitioner,
76 vs.
Bismarck Lumber Company and John Gray, as Tax Commissioner of the State of North Dakota.

On writ of certiorari to the Supreme Court of the State of North Dakota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Dakota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration and decision of this case.

The Cuno Engineering Corporation, Petitioner,
37 vs.
The Automatic Devices Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter concurs in the result.

Concurring opinion by the Chief Justice in which Mr. Justice Frankfurter joins.

The Automatic Devices Corporation, Petitioner, vs. Sinko Tool & Manufacturing Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

6

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Douglas.

City of Indianapolis, et al., Petitioners, vs. The Chase National Bank of the City of New York, Trustee, etc., et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

10

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, costs in this Court to be taxed against the respondent, Chase National Bank; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

City of Indianapolis, et al., Petitioners, vs. The Chase National Bank of the City of New York, Trustee, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

11

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, costs in this Court to be taxed against the respondent, Chase National Bank; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

The Chase National Bank of the City of New York, Trustee, etc., Petitioner, vs. Citizens Gas Company of Indianapolis, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

12

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, costs in this Court to be taxed against petitioner, Chase National Bank; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

13 vs.

The Indianapolis Gas Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, costs in this Court to be taxed against petitioner, Chase National Bank, and that this cause be, and the same is hereby, remanded to the District Court of United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed join.

The Baltimore and Ohio Railroad Company,

Petitioner,

20 vs.

Frederick S. Kepner.

On writ of certiorari to the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Roberts join.

Martin J. Bernards and Lena Bernards, Petitioners,

2 vs.

M. R. Johnson, Catherine Collins, The United States National Bank of Portland, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Circuit Court of Appeals denying petition for recall and correction, amendment, revision and/or opening and vacating mandate and judgment, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Oregon.

Per Mr. Justice Roberts.

George C. Reitz, Appellant,

21 vs.

Carroll E. Mealey, as Commissioner of Motor Vehicles of the State of New York.

Appeal from the District Court of the United States for the Northern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Byrnes, and Mr. Justice Jackson join.

State of Alabama,

Petitioner,

602 vs.

King and Boozer, a Partnership Composed of Tom Cobb King and Simon Elbert Boozer, and United States of America.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed, costs in this Court to be taxed against the respondents, except The United States of America.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

John C. Curry, Individually and as Commissioner of Revenue of the State of Alabama,

Petitioner,

603 vs.

The United States of America, Dunn Construction Company, Inc., and John S. Hodgson and Company, Partners Doing Business as Dunn Construction Company, Inc., and John S. Hodgson and Company.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed without costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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Ready Truck Lines, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission. — Appeal from the District Court of the United States for the Northern District of Illinois.

244

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged and decreed that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this case.

May F. Miller, Appellant, vs. Wisconsin Department of Taxation. — Appeal from the Supreme Court of the State of Wisconsin.

701

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte George C. Yaunt,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte C. C. Crebs,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Hilliard Sanders,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paysoff Tinkoff,

Petitioner,

vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion to vacate the order denying an extension of time within which to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

People ex rel. Paysoff Tinkoff,

Petitioner,

vs.

Hon. G. W. Bristow, Judge, etc.

ON CONSIDERATION of the motion to vacate the order denying an extension of time within which to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Exhibit Supply Company,

Petitioner,

154 vs.

Ace Patents Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Genco, Inc., Petitioner, vs. Ace Patents Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

155

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Chicago Coin Machine Company, Petitioner, vs. Ace Patents Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

156

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari,

be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harriet V. Pence,

Petitioner,

665 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harriet V. Pence,

Petitioner,

665 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

John P. Clark,

Petitioner,

695 vs.

Lester P. Barlow, Henry Morgenthau, Jr., Secretary of the Treasury, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

John F. Clark,

Petitioner,

695 vs.

Lester P. Barlow, Henry Morgenthau, Jr., Secretary of the Treasury, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Leslie M. McGoldrick,

Petitioner,

684 vs.

The Equitable Life Assurance Society of the United States.

ON CONSIDERATION of the motion to consider certain orders of the District Court as a part of the record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leslie M. McGoldrick,

Petitioner,

684 vs.

The Equitable Life Assurance Society of the United States.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leslie M. McGoldrick,

Petitioner,

684 vs.

The Equitable Life Assurance Society of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Knight,

Petitioner,

621 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Knight,
Petitioner,
621 vs.
The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal, of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nehemiah Glover,
Petitioner,
647 vs.
The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nehemiah Glover,
Petitioner,
647 vs.
The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Hartzell West,

Petitioner,

650 vs.

State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Hartzell West,

Petitioner,

650 vs.

State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Lovvorn,

Petitioner,

611 vs.

Honorable Martin I. Welsh, District Judge for the Northern District of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Lovvorn,

Petitioner,

611 vs.

Honorable Martin I. Welsh, District Judge for the Northern District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh Pierre,

Petitioner,

677 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh Pierre,

Petitioner,

677 vs.

State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Steffler,

Petitioner,

681 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Steffler,

Petitioner,

681 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Jesse Miles, et al.,

Petitioners,

272 vs.

Illinois Central Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the State of Tennessee, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

United States of America, to the Use of Noland Company, Incorporated.

Petitioner,

658 vs.

Alexander D. Irwin and Archibald C. Leighton, Trading as Irwin and Leighton, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Blake Centers,

Petitioner,

532 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

U. S. Industrial Chemicals, Inc.,

Petitioner,

680 vs.

Carbide and Carbon Chemicals Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Pecheur Lozenge Co., Inc.,

Petitioner,

vs.

National Candy Company, Inc.

Order allowing certiorari.

648

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. Counsel are requested to present their views as to whether State law governs and, if so, what the applicable State law is.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mishawaka Rubber and Woolen Manufacturing Company,

Petitioner,

vs.

S. S. Kresge Company.

Order allowing certiorari.

649

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the first and second questions presented in the petition for certiorari.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. G. Reeves Steel Construction Company,

Petitioner,

vs.

Elizabeth Weiss, Executrix of Harry H. Weiss, Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

636

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William (Bill) Flippin, Jack Baugh and Tude Purkey,

Petitioners,

662 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William C. Krueger, et al., as Surviving Trustees in Liquidation of United States Brewing Company,

Petitioners,

670 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The Glidden Company and United States Guarantee Company,

Petitioners,

641 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration and decision of this application.

The Glidden Company and United States Guarantee Company,

Petitioners,

642 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed and Mr. Justice Jackson took no part in the consideration and decision of this application.

Charles Simus,

Petitioner,

643 vs.

Frank E. Donoghue, Judge of the Municipal Court of Chicago.

ON CONSIDERATION of the motion to proceed on the typewritten record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Simus,

Petitioner,

643 vs.

Frank E. Donoghue, Judge of the Municipal Court of Chicago.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emmett R. Warring,

Petitioner,

654 vs.

Ray L. Huff, General Superintendent, District Penal Institutions.

ON CONSIDERATION of the application for bail in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Emmett R. Warring,

Petitioner,

654 vs.

Ray L. Huff, General Superintendent, District Penal Institutions.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Emmett R. Warring,

Petitioner,

655 vs.

John B. Colpoys, United States Marshal.

ON CONSIDERATION of the application for bail in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Emmett R. Warring,

Petitioner,

655 vs.

John B. Colpoys, United States Marshal.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Robert W. Halliday,

Petitioner,

536 vs.

S. H. Squire, Superintendent of Banks of the State of Ohio in Charge of Liquidation of the Union Trust Company.

ON CONSIDERATION of the motion to proceed on typewritten copies of the record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert W. Halliday,

Petitioner,

536 vs.

S. H. Squire, Superintendent of Banks of the State of Ohio in Charge of Liquidation of the Union Trust Company.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. David A. Buckley,

Petitioner,

629 vs.

J. Yancey Christmas.

ON CONSIDERATION of the motion to dispense with the printing of parts of the record herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. David A. Buckley,

Petitioner,

629 vs.

J. Yancey Christmas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Howard Hardesty, as Receiver of the National Bank of Fairmont, West Virginia,

Petitioner,

669 vs.

Fairmont Supply Company.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

Charles C. Hobart, Doing Business as the Hobart Cabinet Company,

Petitioner,

630 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Israel A. Abrams, et al., etc.,

Petitioners,

631 vs.

Henry A. Scandrett, et al., Trustees of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tomlinson I. Moseley, Ralph M. Keele and Keelmo Co., a Corporation,

Petitioners,

632 vs.

United States Appliance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association of St. Louis, a Corporation,

Petitioner,

633 vs.

William A. Staengel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Cotros, et al.,

Petitioners,

634 vs.

Nashville Trust Company, Executor Under Will of Charles McCabe, Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles D. Rice, et al., Trustees, Petitioners,
637 vs.
Abraham S. Guterman, Trustee in Bankruptcy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Argus Hosiery Mills, Inc., Petitioner,
638 vs.
Renso Robertson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gartland Steamship Company, Petitioner,
640 vs.
Interlake Iron Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Town of Davenport, a Municipal Corporation of the State of Florida and G. H. George,

Petitioners,

651 vs.

J. W. Hughes, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ternstedt Manufacturing Company and General Motors Corporation,

Petitioners,

652 vs.

Motor Products Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman Johnson, Suing on Behalf of Himself and All Other Stockholders in the Curtis Publishing Company, etc.,

Petitioner,

656 vs.

Walter D. Fuller, Mary L. C. Bok, Fred A. Healy, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Moloney Electric Company, Petitioner, vs. Guy T. Helvering, Commissioner of Internal Revenue.

659

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Moloney Electric Company, Petitioner, vs. Guy T. Helvering, Commissioner of Internal Revenue.

660

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Boston and Maine Railroad, Petitioner, vs. James H. Cunningham.

664

On petition for writ of certiorari to the Superior Court for the County of Hampden, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court for the County of Hampden, Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Southgate Nelson Corporation, Petitioner,
672 vs.
Elizabeth J. Quinn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

West Production Company, Petitioner,
674 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City Investing Company, Petitioner,
675 vs.
165 Broadway Building, Inc., and the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Farmers and Ginners Cotton Oil Company,

Petitioner,

671 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earle F. Wingren, Trustee in Bankruptcy of the Mutual Investment and Security Company, Bankrupt,

Petitioner,

673 vs.

Minnie C. Hanssen, Thyra H. Mankin Berger, W. J. O'Neill, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carbo-Frost, Inc., Carbonic Dispensing, Inc., and Rudd Patents Corporation,

Petitioners,

676 vs.

Stanley Knight Corporation, Jack E. Taylor (Trading as Taylor Engineering Co.) and Silver Cup Beverage Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel W. Hoan,

Petitioner,

682 vs.

The Journal Company, Harry J. Grant and Lawrence C. Eklund.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

West Virginia Power Company and Norfolk & Western Railway Company,

Petitioners,

685 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

B. Kathryn Willis, as Executrix of the Last Will and Testament of George S. Willis, Deceased,

Petitioner,

686 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United New York Sandy Hook Pilots Association and United New Jersey Sandy Hook Pilots Association, etc.,

Petitioners,

687 vs.

The Norwegian Passenger Motor Ship "Oslofjord" etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United New York Sandy Hook Pilots Association and United New Jersey Sandy Hook Pilots Association, etc.,

Petitioners,

688 vs.

Den Norske Amerikalinje a/s (The Norwegian American Line), a Norwegian Corporation, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Moore-McCormack Lines, Inc.,

Petitioner,

689 vs.

Muriel W. Hume.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. S. Richardson,

Petitioner,

692 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lula W. Garland, Trustee of Gregory G. Garland, a Person Incompetent and Camilla Wellford Garland,

Petitioners,

698 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Louise Harris Moore,

Petitioner,

74 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

H. W. Ferguson,

Petitioner,

196 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Pierre S. DuPont,

Petitioner,

200 vs.

Commissioner of Internal Revenue;

John J. Raskob,

Petitioner,

201 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in these cases;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The National Life and Accident Insurance Company,

Petitioner,

278 vs.

L. P. Brewer, Former Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

S. Elbert Pike, Ernest C. Pike, et al.,

Petitioners,

285 vs.

Frank C. Walker (Substituted for James A. Farley) as Postmaster General of the United States, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Walter R. Dolloff,

Petitioner,

501 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

General Motors Corporation, et al.,

Petitioners,

352 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Ex parte Edward Casebeer,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Identification Devices, Inc.,
by James M. Rulong,

Petitioner,

108 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.

S. Mayner Wallace,

Petitioner,

122- vs.

Johanna F. Fiske, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John O. Krouse,

Petitioner,

133 vs.

Frank O. Lowden, et al., Trustees, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alma F. Birckner,

Petitioner,

140 vs.

Robert Tilch, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary E. Chewning,

Petitioner,

175 vs.

The District of Columbia, a Municipal Corporation, Garnishee.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. E. Morgan Company, Inc.,

Appellant,

190 vs.

State of Arkansas, For Use and Benefit of Phillips County.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roeser & Pendleton, Inc.,

Petitioner,

191 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Twin Ports Oil Company,

Petitioner,

227 vs.

The Pure Oil Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph K. Nielsen,

Petitioner,

264 vs.

Judge Everett F. Johnson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louisiana Delta Cattle Co., Inc.,

Petitioner,

346 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Morton, Trustee, et al., etc.,

Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil Stein,

Petitioner,

358 vs.

Preston Delano, Comptroller of the Currency, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Outboard, Marine & Manufacturing Company,

Petitioner,

513 vs.

Muncie Gear Works, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Sirocco Company,

Petitioner,

517 vs.

The City of Miami.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Oil Company of Louisiana,

Appellant,

533 vs.

State of Tennessee, ex rel. George F. McCanless, Commissioner of Finance and Taxation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Ex parte State of Texas,

Petitioner.

—, Original.

Return to rule to show cause presented.

Ex parte State of Texas,

Petitioner.

—, Original.

Motion of Lone Star Gas Company for leave to intervene presented.

Ex parte O. H. Burnham, et al.,

Petitioners.

—, Original.

Return to rule to show cause presented.

Ex parte O. H. Burnham, et al.,

Petitioners.

—, Original.

Motion of Irby Dunklin, Special Master, for leave to intervene presented.

Massachusetts Bonding and Insurance Company,

Petitioner,

vs.

Madeleine Corby Webber and William J. Webber.

On writ of certiorari to the Supreme Court of the State of Ohio.

22

IT APPEARING to the Court that counsel for Petitioner have filed a motion to dismiss the writ of certiorari in this case at the cost of Petitioner;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

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The United States of America,

Petitioner,

33 vs.

Harry S. Emory, St. James Distillery, Inc., et al.

Argued by Mr. Melvin H. Siegel for the Petitioner.

No appearance for Respondents.

Textile Mills Securities Corporation,

Petitioner,

34 vs.

Commissioner of Internal Revenue.

Argued by Mr. Edmund S. Kochersperger for the Petitioner and by Mr. Arnold Raum for the Respondent.

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Proclamation being made the Court is adjourned until Wednesday, November 12, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Brnalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Clarence J. Brainerd, Esquire, of Chesaning, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Holden Tinkham, It is ordered that Sarah Elizabeth Fay, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Warren G. Magnuson, It is ordered that Jeffrey Heiman, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Alvin Pittenger, It is ordered that Geo. B. Sjoselius, Esquire, of Duluth, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that John E. Skilling, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond C. Cushwa, It is ordered that Frederick Charles Bold, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hal H. Smith, It is ordered that Laurence A. Masselink, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Justin Moore, It is ordered that George D. Gibson, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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American Surety Company of New York,

Petitioner,

29 vs.

The Bethlehem National Bank of Bethlehem, Pennsylvania, et al.

Argued by Mr. Rutledge Slattery for the Petitioner and by Mr. George P. Barse for the Respondents.

The United States of America, as Guardian of the Indians of the Tribe of Hualpai, etc.,

Petitioner,

23 vs.

Santa Fe Pacific Railroad Company.

Argument commenced by Mr. Nathan R. Margold for the Petitioner and continued by Mr. Joyce Cox for the Respondent.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that William Blackburn Barton, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Kennard Cheadle, It is ordered that Phineas Indritz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Ziskind, It is ordered that Isidore Lindenbaum, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, as Guardian of the Indians of the Tribe of Hualpai in the State of Arizona,

Petitioner,

vs.

Santa Fe Pacific Railroad Company.

Argument continued by Mr. Joyce Cox and Mr. Max Radin for the Respondent and concluded by Mr. Nathan R. Margold for the Petitioner.

National Labor Relations Board,

Petitioner,

vs.

Virginia Electric and Power Company; and

National Labor Relations Board,

Petitioner,

vs.

The Independent Organization of Employees of the Virginia Electric and Power Company.

Argued by Mr. Robert B. Watts for the Petitioner; by Mr. T. Justin Moore and Mr. George D. Gibson for the Respondent in No. 25; and by Mr. William Earle White for the Respondent in No. 26.

Daniel D. Glasser,

Petitioner,

vs.

The United States of America;

Norton I. Kretske,

Petitioner,

vs.

The United States of America; and

Alfred E. Roth,

Petitioner,

32 vs.

The United States of America.

Argument commenced by Mr. Homer Cummings for the Petitioner in No. 30.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, NOVEMBER 14, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that

W. Wallace Kirkpatrick, Esquire, of Washington, District of Columbia;

Woodrow L. Berge, Esquire, of Lincoln, State of Nebraska; and

Richard K. Decker, Esquire, of Lincoln, State of Nebraska;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Kramer, It is ordered that Harry Levine, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Henry T. Moore, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Fairbanks, It is ordered that Alfred J. L'Heureux, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hans A. Klagsbrunn, It is ordered that Herbert Morton Ball, Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lambert E. Gwinn, It is ordered that William Heflin Pierce, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Daniel D. Glasser,

Petitioner,

30 vs.

The United States of America;

Norton I. Kretske,

Petitioner,

31 vs.

The United States of America; and

Alfred E. Roth,

Petitioner,

32 vs.

The United States of America.

Argument continued by Mr. Ralph M. Snyder for the Petitioner in No. 30 and concluded by Mr. Edwin D. Dickinson for the Respondent in Nos. 30, 31 and 32; and cases submitted by Mr. Edward M. Keating for the Petitioner in No. 31 and by Mr. Alfred E. Roth, pro se, in No. 32.

The United States of America,

Petitioner,

35 vs.

Alice Gray Kales.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Hal H. Smith for the Respondent.

J. E. Pierce,

Petitioner,

36 vs.

The United States of America.

Argument commenced by Mr. L. E. Gwinn for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Paul D. Page, Jr., Esquire, of Houston, State of Texas;

Abraham L. Kaminstein, Esquire, of New York, State of New York;

Vincent J. Moranz, Esquire, of Philadelphia, State of Pennsylvania; and

Mark Willcox, Jr., Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Leota Green, of Johnson City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that Paul J. LaCrosse, Esquire, of Burlington, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that

B. E. Godfrey, Esquire, of Fort Worth, State of Texas;

John M. Scott, Esquire, of Fort Worth, State of Texas; and

Dan E. Lydick, Esquire, of Fort Worth, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl S. Patterson, It is ordered that Ugene U. Blalock, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman L. Dodson, It is ordered that Maurice R. Weeks, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde B. Aitchison, Jr., It is ordered that Milton J. Blake, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Samuel R. Toucey, Petitioner, vs. New York Life Insurance Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

16

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of

the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Roberts concur.

Phoenix Finance Corporation, Petitioner, vs. Iowa-Wisconsin Bridge Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

19

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Iowa for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Roberts concur.

Southern Railway Company, Petitioner, vs. Ethel Painter, Administratrix of the Estate of Geoffrey L. Painter, Deceased. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

24

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of

the United States for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Concurring: The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed.

Commercial Molasses Corporation,
Petitioner,
14 vs.
New York Tank Barge Corporation, as Chartered Owner of the Tank Barge "T. N. No. 73".

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Byrnes concur.

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The Chief Justice announced the following order of the Court:

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George D. Templeton, on Behalf of George Douglas Templeton, Jr.,
Appellant,
710 vs.
State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed because the record does not show that the federal question presented was necessarily passed on by the Supreme Court of California.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

The Advisory Committee appointed February 3, 1941, to assist the Court in the preparation of rules of pleading, practice and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States, is authorized and directed to make such recommendations as may be deemed advisable respecting amendments to the rules promulgated by this Court pursuant to the provisions of the Act of Congress, approved March 8, 1934, amending an Act entitled "An Act to give the Supreme Court of the United States authority to prescribe Rules of Practice and Procedure with respect to proceedings in criminal cases after verdict" (Act of February 24, 1933, c. 119, U.S.C., Title 28, Sec. 723(a)).

Harlan F. Stone,

Chief Justice.

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Ex parte Frank Contardi,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Glen Wilkerson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Manuel Manzano,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte State of Texas,

Petitioner.

—, Original.

This case is assigned for argument on December 8th next, on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause.

Per Mr. Chief Justice Stone.

Ex parte State of Texas,

Petitioner.

—, Original.

ON CONSIDERATION of the motion of the Lone Star Gas Company for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John C. Geiger,

Petitioner,

657 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Geiger,

Petitioner,

657 vs.

The People of the State of California.

On petition for writ of certiorari to the Superior Court of the State of California, Los Angeles County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of California, Los Angeles County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Geiger,

Petitioner,

683 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Geiger,

Petitioner,

683 vs.

The People of the State of California.

On petition for writ of certiorari to the Superior Court of the State of California, Appellate Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of California, Appellate Department, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter G. Query, et al., as Members of and Constituting the South Carolina Tax Commission,

Petitioners,

619 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hotel Markham, Inc., et al.,
Petitioners,
653 vs.
Edward Ball, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Crandall,
Petitioner,
678 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Crandall,
Petitioner,
679 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Patterson, et ux.,
Petitioners,
690 vs.
W. E. Peel.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Bright Brooks Lumber Company,
Petitioner,
691 vs.
Henry Weiss, Trustee in Bankruptcy of Jack W. Robinson and Louis Dickman, Individually and Trading as Copartners as Emerald Furniture Manufacturing Co., Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Godfrey-Keeler Co., Inc., Debtor,
Petitioner,
696 vs.
The Wickes Boiler Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terry Thompson, et al., Independent Executors of the Estate of J. T. Sneed, Jr., Deceased,

Petitioners,

699 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Maytag Company and Maytag Sales Corporation,

Petitioners,

703 vs.

The Apex Electrical Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William G. Wheat,

Petitioner,

237 vs.

Ford Motor Company.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William G. Wheat,

Petitioner,

237 vs.

Ford Motor Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Badger Oil Company,

Petitioner,

136 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Dugan,

Petitioner,

148 vs.

Stanley P. Ashe, Warden, Etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Newton H. Brown, et al.,

Petitioners,

276 vs.

The Federal Land Bank of Louisville, Kentucky.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maud L. Penzel, as Trustee, etc.,

Petitioner,

345 vs.

R. W. Pensterwald, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard W. Leche,

Petitioner,

169 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Samuel R. Toucey,

Petitioner,

16 vs.

New York Life Insurance Company.

ON CONSIDERATION of the motion of Petitioner relative to New York Life Policy No. 8,611,895,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R

The Court will take a recess from Monday, November 24, until Monday, December 8, next.

Per Mr. Chief Justice Stone.

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W. W. McAllister,

Petitioner,

667 vs.

Merle Young Woodson, and Her Husband W. B. Woodson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to dismiss the petition for writ of certiorari in this case;

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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J. E. Pierce,

Petitioner,

36 vs.

The United States of America.

Argument continued by Mr. L. E. Gwinn for the Petitioner and concluded by Mr. Assistant Attorney General Berge for the Respondent.

District of Columbia,

Petitioner,

58 vs.

Henry C. Murphy; and

District of Columbia,

Petitioner,

59 vs.

Paul M. DeHart.

Argued by Mr. Glenn Simmon for the Petitioner and by Mr. Harry R. Turkel for the Respondents.

Jim Duckworth,

Appellant,

43 vs.

The State of Arkansas.

Argument commenced by Mr. Harold R. Ratcliff for the Appellant, and continued by Mr. Jno. P. Streepey for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 18, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel Lebowitz, It is ordered that Abraham David Caesar, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Koltzoff, It is ordered that

D. Milton Ladd, Esquire, of Washington, District of Columbia; and

Harry Mapes Kimball, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Vincent E. Martino, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Burns, It is ordered that Estill E. Ezell, Esquire, of Saint Louis, State of

Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie C. Garnett, It is ordered that

Carl Frederick Paul, Jr., Esquire, of Rochester, State of New York; and

Henry H. Pike, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Cabell Brown, It is ordered that Clyde R. Brown, Esquire, of Monroe, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jim Duckworth,

Appellant,

43 vs.

The State of Arkansas.

Argument continued by Mr. Jno. P. Streepey and by Mr. Leffel Gentry for the Appellee and concluded by Mr. Harold R. Ratcliff for the Appellant.

The Board of Trade of Kansas City, Mo., et al.,

Appellants,

143 vs.

The United States of America, et al.

Argument commenced by Mr. M. W. Borders for the Appellants; continued by Mr. J. Stanley Payne for the Appellees, United States of America and Interstate Commerce Commission; by Mr. Frank A. Leffingwell for the Appellees, Texas Industrial Traffic League, et al.; and concluded by Mr. Samuel J. Wettrick for the Appellants.

Continental Casualty Company and
Marie M. Short,

39 vs. (Certificate)

The United States of America.

Argument commenced by Mr. Joseph V. McEnery for the Continental Casualty Company and Marie M. Short.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Robert M. McManigal, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Pullmore Goldstein, It is ordered that

Samuel A. Miller, Esquire, of Atlanta, State of Georgia;

James N. Frazer, Esquire, of Atlanta, State of Georgia; and

Frank A. Hooper, Jr., Esquire, of Atlanta, State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph B. Stewart, It is ordered that Virgil E. Woodcock, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Cromelin, It is ordered that Armor M. Murdoch, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Continental Casualty Company and
Marie M. Short,

39 vs. (Certificate)

The United States of America.

Argument continued by Mr. Joseph V. McEnery for the Continental Casualty Company and Marie M. Short; by Mr. Richard H. Demuth for the United States; and concluded by Mr. Joseph V. McEnery for Continental Casualty Company and Marie M. Short.

E. V. Parker, Deputy Commissioner,
United States Employees' Compensation Commission,

Petitioner,

46 vs.

Motor Boat Sales, Incorporated.

Argued by Mr. Assistant Attorney General Shea for the Petitioner and by Mr. Minitree Jones Fulton for the Respondent.

Louis H. Pink, Superintendent of Insurance of the State of New York,

Petitioner,

48 vs.

A. A. A. Highway Express, Inc., et al.

Argued by Mr. M. F. Goldstein for the Petitioner and by Mr. Frank A. Hooper, Jr., for the Respondents.

The United States of America,

Petitioner,

44 vs.

The State of Texas, et al.

Argument commenced by Mr. Arnold Raum for the Petitioner.

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Proclamation being made the Court is adjourned until Friday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. Kunkel, It is ordered that Claude D. Carson, Esquire, of Bremen, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Charles Daughtry Towers, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Wilson Smith, Jr., It is ordered that Dan Henry McNeal, Esquire, of Moline, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Jesse James Duckett, Esquire, of El Campo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Kennard Cheadle, It is ordered that Maryhelen Wigle, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. H. Fred Martin, Jr., It is ordered that Sam H. Hood, Esquire, of Emory, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conder C. Henry, It is ordered that Bernard Kriegel, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John R. Turney, It is ordered that

George D. Rives, Esquire, of Washington, District of Columbia; and

John Reid Turney, Jr., Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. O'Connell, It is ordered that Jack P. F. Gremillion, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

44 vs.

The State of Texas, et al.

Argument continued by Mr. Arnold Raum for the Petitioner; by Mr. Pat M. Neff, Jr., for the Respondents; and concluded by Mr. Arnold Raum for the Petitioner.

The United States,

Petitioner,

45 vs.

The Kansas Flour Mills Corporation.

Argued by Mr. Warner W. Gardner for the Petitioner and by Mr. Edgar Shook and Mr. Phil D. Morelock for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that

W. J. Hulsey, Esquire, of McAlester, State of Oklahoma; and

Lena Hulsey, of McAlester, State of Oklahoma; (Mrs.)

be admitted to practice as Attorneys and Councellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Walsh Stewart, It is ordered that Wray Bevens, Esquire, of Waverly, State of Ohio, be admitted to practice as an Attorney and Councellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that

Wm. M. Briggs, Esquire, of Blackwell, State of Oklahoma; and

L. Alton Denslow, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Clarence C. Chilcott, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Clephane, It is ordered that Arthur Hamilton Clephane, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. B. Watts, It is ordered that Marion A. Prowell, Esquire, of Tuscaloosa, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that Sumner W. Elton, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Pledger, Jr., It is ordered that Alfred T. White, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Dixie Dunnigan, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Stoddard M. Stevens, Jr., It is ordered that

John F. Dooling, Jr., Esquire, of New York, State of New York; and

William Piel, Jr., Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Ready, Jr., It is ordered that Carrick H. Buck, of Lihue, Territory of Hawaii, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that William DuBose Sheldon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Honorable Charles Fahy, of New Mexico, Solicitor General of the United States, was presented by Mr. Attorney General Biddle, and it was ordered that his commission be recorded.

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Which said commission is in the words and figures following, viz:

"FRANKLIN D. ROOSEVELT,

President of the United States of America,

To all who shall see these Presents, Greeting:

KNOW YE, That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of CHARLES FAHY, of New Mexico, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Solicitor General, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said CHARLES FAHY, during the pleasure of the President.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice

Done at the City of Washington this fifteenth day of November, in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT.

By the President:
Francis Biddle
Attorney General."

Fred F. Edwards,

Appellant,

17 vs.

The People of the State of California.

Appeal from the Superior Court of the State of California, County of Yuba.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the State of California, County of Yuba, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Concurring opinion by Mr. Justice Jackson.

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The Chief Justice announced the following order of the Court:

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George F. Harrington,

Appellant,

714 vs.

The People of the State of California.

Appeal from the Superior Court of the State of California, Los Angeles County.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the State of California, Los Angeles County, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte James R. Keller,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

281 vs.

Sparks-Withington Company, et al.

A motion to dismiss the writ of certiorari in this case having been submitted to the Court, further consideration of the motion is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Exhibit Supply Company,

Petitioner,

154 vs.

Ace Patents Corporation;

Genco, Inc.,

Petitioner,

155 vs.

Ace Patents Corporation; and

Chicago Coin Machine Company,

Petitioner,

156 vs.

Ace Patents Corporation.

ON CONSIDERATION of the motion of the Respondent to dismiss the writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Austin Corcoran,

Petitioner,

639 vs.

Montgomery Ward & Company, Inc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Austin Corcoran,

Petitioner,

639 vs.

Montgomery Ward & Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

723 vs.

The Masonite Corporation, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this question.

City of Chicago, a Municipal Corporation, Board of Health of the City of Chicago, et al.,

Petitioners,

Order allowing certiorari.

706 vs.

Fieldcrest Dairies, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lewis J. Valentine, Individually and as Police Commissioner of the City of New York,

Petitioner,

Order allowing certiorari.

707 vs.

F. J. Chrestensen.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

708 vs.

Credit Alliance Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

M. J. Gorman, City Treasurer of Kansas City, Missouri, et al.,

Petitioners,

711 vs.

The Washington University.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Leon Charles Weiss,

Petitioner,

697 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

John P. Nick and Clyde A. Weston, Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

712

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

General Motors Corporation, Petitioner, vs. Conway P. Coe, Commissioner of Patents. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

718

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration and decision of this application.

Mourning Jones, Petitioner, vs. City of Arcadia, A Municipal Corporation. — On petition for writ of certiorari to the Supreme Court of the State of Florida.

663

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Margaret Harwick, Assignee of Hugh E. Van de Walker, Fidelity and Deposit Company of Maryland, Assignee of George C. Berra, et al.,

Petitioners,

700 vs.

Charles V. O'Hern, as Receiver, and Timothy W. Swain, as Successor Receiver, of Peoria Life Insurance Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. C. Phillips and Fred J. Day, Jr., Trustees,

Petitioners,

702 vs.

George Walter Baker and Modern Precooling Company, a Partnership.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Eng Fon Sing,

Petitioner,

704 vs.

Byron H. Uhl, District Director of Immigration and Naturalization at the Port of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Isbrandtsen-Moller Company, Inc., Petitioner, vs. Motorship "Toledo" and Wilh Wilhelmsen, et al., Owners.

721

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harriet K. Moon, Petitioner, vs. The Home Life Insurance Company of New York;

123 O.T. 1940

and

Harriet K. Moon, Petitioner, vs. Mutual Health & Accident Association.

124 O.T. 1940

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte J. L. Stewart, Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Louisiana,

Plaintiff,

—, Original vs.

Claude Cummins, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dulac Cypress Company, Ltd., et al.,

Petitioners,

82 vs.

William S. Lovell and Douglas Gordon Lovell.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Haywood Pope,

Petitioner,

584 vs.

Edward M. Curran and Charles E. Stewart.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marrs McLean,

Petitioner,

624 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

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The United States of America, Interstate Commerce Commission, and The Pacific Electric Railway Company,

Appellants,

223 vs.

Railway Labor Executives Association, et al.

Motion that appeal be dismissed as to Appellant, The United States of America, submitted by Mr. Solicitor General Fahy for the United States.

The United States of America, Interstate Commerce Commission, and The Pacific Electric Railway Company,

Appellants,

223 vs.

Railway Labor Executives Association, et al.

ON CONSIDERATION of the motion of The United States of America to dismiss its appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the appeal as to the Appellant, The United States of America, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, December 8, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Orville A. Rogers, Esquire, of Los Angeles,
State of California;

Frank J. Monaco, Esquire, of Atlanta,
State of Georgia;

Terrence A. Carson, Esquire, of Phoenix,
State of Arizona; and

R. C. Patterson, Esquire, of Houston,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Cosgrove, It is ordered that

Myron D. Frantz, Esquire, of Chicago,
State of Illinois;

Harry A. Bernbach, Esquire, of New York,
State of New York; and

P. E. McCullough, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that

William A. Ewart, Esquire, of Pontiac,
State of Michigan;

Clay Campbell, Esquire, of Lansing,
State of Michigan; and

William Clarence Hudson, Esquire, of Royal Oak,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Noble J. Johnson, It is ordered that Clement T. Malan, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gillmore Peely, It is ordered that George Foster, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that

John A. Nolan, Esquire, of Webster Groves,
State of Missouri;

George Surosky, Esquire, of Paterson,
State of New Jersey;

Charles D. Sloan, Esquire, of Springfield,
State of Massachusetts;

Heba I. Aston, Esquire, of McAlester,
State of Oklahoma;

E. M. Gallaher, Esquire, of Tulsa,
State of Oklahoma;

Lyman E. Latourette, Esquire, of Portland,
State of Oregon;

James G. Holbrook, Esquire, of Joliet,
State of Illinois; and

Charles J. McKeown, Esquire, of Joliet,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. V. Cushman, It is ordered that William Gates, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that John Harrington, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas W. McGregor, It is ordered that R. H. Whilden, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward P. Hodges, It is ordered that Pinckney L. Cain, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace C. Wilkinson, It is ordered that Thomas E. Skinner, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Donald Walker, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that

Andrew B. Reavis, Esquire, of Washington,
District of Columbia;

Harold B. Whitfield, Esquire, of Chicago,
State of Illinois; and

Rudolph J. Risinger, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Wilkins, It is ordered that Georgina J. Bingert, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that

Gerald C. Mann, Esquire, of Austin,
State of Texas; and

James L. Noel, Jr., Esquire, of Austin,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Court took a recess for the purpose of attending the Joint Session of the Congress of the United States and reconvened at 2:30 o'clock.

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New York, Chicago and St. Louis Railroad Company,

Appellant,

vs.

Dorothea T. Frank.

Appeal from the Supreme Court of the State of New York, Appellate Term, First Department.

15

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Term, First Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Concurring opinion by Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed, Mr. Justice Frankfurter and Mr. Justice Byrnes join.

Textile Mills Securities Corporation,

Petitioner,

34 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Jackson took no part in the consideration or disposition of this case.

The United States of America, as Guardian of the Indians of the Tribe of Hualpai in the State of Arizona,

Petitioner,

23 vs.

Santa Fe Pacific Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, and, as so modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Arizona.

Per Mr. Justice Douglas.

American Surety Company of New York,
Petitioner,
29 vs.
The Bethlehem National Bank of Bethlehem, Pennsylvania, and L. N. Reed, as Receiver of the Bethlehem National Bank of Bethlehem, Pennsylvania.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

J. E. Pierce,
Petitioner,
36 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Tennessee for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Douglas.

Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this case.

E. V. Parker, Deputy Commissioner, United States Employees' Compensation Commission,

Petitioner,

46 vs.

Motor Boat Sales, Incorporated.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Virginia.

Per Mr. Justice Black.

Harry Bridges,

Petitioner,

1 vs.

State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts and Mr. Justice Byrnes concur.

The Times-Mirror Company and L. D. Hotchkiss,

Petitioners,

3 vs.

The Superior Court of the State of California, in and for the County of Los Angeles.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in case No. L. A. 16928, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts and Mr. Justice Byrnes concur.

The United States,

Petitioner,

45 vs.

The Kansas Flour Mills Corporation.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Major Raymond Lisenba,
Petitioner,
4 vs.
The People of the State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

Major Raymond Lisenba,
Petitioner,
5 vs.
The People of the State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

The United States of America,
Petitioner,
35 vs.
Alice Gray Kales.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Louis H. Pink, Superintendent of Insurance of the State of New York,

Petitioner,

vs.

A. A. A. Highway Express, Inc., H. A. Adams, Trading as Adams Transfer Co., H. L. Bass, as Bass Bus Line, et al.

On writ of certiorari to the Supreme Court of the State of Georgia.

48

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following orders of the Court:

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Chrysler Corporation, De Soto Motor Corporation, Plymouth Motor Corporation,

Appellants,

vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Indiana.

40

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the

appeal herein be, and the same is hereby, dismissed for want of a quorum of Justices qualified to sit in this case.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson are unable to take part in the consideration or decision of this case on the merits.

Commercial Credit Company, Commercial Credit Corporation, etc., et al.,

Appellants,

41 vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for want of a quorum of Justices qualified to sit in this case.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson are unable to take part in the consideration or decision of this case on the merits.

Leo S. Holmes,

Petitioner,

50 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this motion.

Leo S. Holmes,

Petitioner,

50 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this case.

Leo S. Holmes,

Petitioner,

50 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to enter an order affording reasonable opportunity for the preparation, presentation, settling and filing of a suitable bill of exceptions, and with permission to the court to hear argument and redetermine the case in so far as that course may be required if such a bill is filed, or to take such further proceedings and enter such further orders as may seem appropriate if no adequate bill can be settled.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this case.

Laura Morris, Special Administratrix of the Estate of Washington Pocatello and Minnie Pocatello, His Wife, Both Deceased, et al.,

Appellants,

736 vs.

Amasa L. Clark, Joseph E. Robinson and Box Elder County, Utah.

Appeal from the Supreme Court of the State of Utah.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Laura Morris, Special Administratrix of the Estate of Washington Pocatello and Minnie Pocatello, His Wife, Both Deceased, et al.,

Appellants,

736 vs.

Amasa L. Clark, Joseph E. Robinson and Box Elder County, Utah.

Appeal from the Supreme Court of the State of Utah.

TREATING the appeal papers herein from the Supreme Court of the State of Utah as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the
Disbarment of David L. Starr.

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It having been reported to the Court that David L. Starr of Pittsburgh, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of October 13, 1941, having suspended the said David L. Starr from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon David L. Starr, who has not filed a return thereto, and that time to file such return has expired;

IT IS ORDERED that the said David L. Starr be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

Ex parte James W. Kauffman,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frederick H. Mullins,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thaddeus Deatherage,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Deatherage,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Tenner,

Petitioner,

713 vs.

Charles W. Dullea, Chief of Police of the City and County of San Francisco.

The order of stay entered herein October 27, 1941, is continued until the further order of this Court.

Per Mr. Chief Justice Stone.

J. T. Smith,

Petitioner,

271 vs.

The Fourth National Bank of Tulsa, Oklahoma.

ON CONSIDERATION of the motion of petitioner to tax the cost of printing portions of the record against respondent,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian Riley and Hughes Spalding, Executors, etc.,

Petitioners,

81 vs.

The New York Trust Company, Administrator, etc.

ON CONSIDERATION of the motion of the Tax Commission of the State of New York for leave to appear and present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert B. Pennell,

Petitioner,

668 vs.

Jules S. Bache, et al., Trading as J. S. Bache and Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert B. Fennell,

Petitioner,

668 vs.

Jules S. Bache, et al., Trading as J. S. Bache and Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Douglas Van Horne,

Petitioner,

719 vs.

Frank T. Hines, as Administrator of Veterans Affairs.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Douglas Van Horne,

Petitioner,

719 vs.

Frank T. Hines, as Administrator of Veterans Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph R. Mickens,

Petitioner,

785 vs.

Commonwealth of Virginia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph R. Mickens,

Petitioner,

785 vs.

Commonwealth of Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the petition for writ of certiorari should be granted.

Joseph R. Mickens,

Petitioner,

785 vs.

Commonwealth of Virginia.

O R D E R

The order heretofore entered staying execution of sentence in this case is vacated.

Per Mr. Chief Justice Stone.

Milcor Steel Company,

Petitioner,

720 vs.

George A. Fuller Company, Neff Lathing Company, Inc., and Conver Steel & Wire Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

744 vs.

Wrightwood Dairy Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wrightwood Dairy Company,

Petitioner,

783 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles I. Waterman, et al., Petitioners, vs. Steamship "Aakre" Rederi A/S Henneseid, Pamport & Holt Line, Ltd., et al.

715

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Universal Insurance Company, Petitioner, vs. Hall-Scott Motor Car Company.

716

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Peter P. Corcoran, Petitioner, vs. Royal Development Company.

717

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. B.,

Petitioner,

730 vs.

C. D.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. D. Dyess,

Petitioner,

722 vs.

H. J. Miller.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Conway, Trading as Conway Negligees, Conway Beach Togs and Weehawken Knitting Mills,

Petitioners,

725 vs.

Gerald D. Stone, Trustee, and Commercial Factors Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis H. Cook, Trustee,
Petitioner,
726 vs.
R. R. Hannah, J. H. A. Christiansen and Chriss M. Olson, as the Board of Supervisors of Crawford County, Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederick K. Barbour,
Petitioner,
727 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edna R. Elias,
Petitioner,
728 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walgreen Co. and Allied Electric Products, Inc.,

Petitioners,

737 vs.

George H. Glade, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Wagner,

Petitioner,

180 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

Ralph Wagner,

Petitioner,

180 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

George E. Morton, Trustee, et al.,

Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George E. Morton, Trustee, et al.,

Petitioners,

354 vs.

Dardanelle Special School District No. 15 of Yell County, Arkansas.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emil Stein,

Petitioner,

358 vs.

Preston Delano, Comptroller of the Currency, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Emil Stein,

Petitioner,

358 vs.

Preston Delano, Comptroller of the Currency, et al.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William H. Padgett,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Indianapolis, et al.,

Petitioners,

10 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

City of Indianapolis, et al.,

Petitioners,

11 vs.

The Chase National Bank of the City of New York, Trustee, etc., et al.;

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

12 vs.

Citizens Gas Company of Indianapolis, et al.; and

The Chase National Bank of the City of New York, Trustee, etc.,

Petitioner,

13 vs.

The Indianapolis Gas Company, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Ralph De Marcos,

Petitioner,

302 vs.

Dr. Winfred Overholser, Superintendent of St. Elizabeth's Hospital.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Israel A. Abrams, et al., etc.,

Petitioners,

631 vs.

Henry A. Scandrett, et al., Trustees, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Steffler,

Petitioner,

681 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. S. Richardson,

Petitioner,

692 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Identification Devices, Inc., by
James M. Rulong,

Petitioner,

108 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Haywood Pope,

Petitioner,

584 vs.

Edward M. Curran and Charles E. Stewart.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Ex parte George Acret,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

Ex parte Don Ascanio Colonna,

Petitioner.

—, Original.

Motion for leave to file petition for writs of prohibition and mandamus presented.

Ex parte G. H. Burnham,

Petitioner.

—, Original.

Motion for leave to withdraw motion of Irby Dunklin, Special Master, for leave to intervene presented.

Ex parte G. H. Burnham,

Petitioner.

—, Original.

ON CONSIDERATION of the motion of Irby Dunklin, Special Master, for leave to withdraw his motion for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. B. Spencer, et al.,

Petitioners,

554 vs.

Luckenbach Gulf Steamship Company and Swayne & Hoyt, Ltd.

Motion for leave to file narrative form of testimony submitted by Mr. J. B. Spencer, pro se.

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Ex parte State of Texas, et al.,

Petitioners.

—, Original.

Argument on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause commenced by Mr. James P. Hart for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 9, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Barnett H. Goldstein, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that W. D. Caldwell, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Benjamin H. Teplitz, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Lura E. Turley, It is ordered that Frederic Richmond, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. V. Cushman, It is ordered that James R. Hodder, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Horton, It is ordered that Robert J. Barry, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Miller Kidner, It is ordered that Victor J. Rogers, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. DeWolfe, It is ordered that Kenneth C. Davis, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harrison F. Lyman, It is ordered that Charles E. Hammett, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred A. Ironside, Jr., It is ordered that Louis J. Castellano, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thos. H. Creighton, Jr., It is ordered that Alden T. Hill, Esquire, of Fort Collins, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Ward Beer, It is ordered that Carl J. Heyser, Esquire, of Port Jefferson, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Prudence Realization Corporation,

Petitioner,

757 vs.

A. Joseph Geist, Trustee.

Motion for extension of time within which to file brief in opposition to petition for writ of certiorari submitted by Mr. A. Joseph Geist for the Respondent.

Prudence Realization Corporation,

Petitioner,

757 vs.

A. Joseph Geist, Trustee.

ON CONSIDERATION of the motion of Respondent to extend the time within which to file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including December 24, next.

Per Mr. Chief Justice Stone.

Ex parte State of Texas, et al.,

Petitioners.

—, Original.

Argument on the motion for leave to file petition for writ of mandamus and the return to the rule to show cause continued by Mr. James P. Hart for the Petitioners; by Mr. Charles L. Black for Lone Star Gas Company, Intervener, by special leave of Court; and concluded by Mr. James P. Hart for the Petitioners; and case submitted by Hon. James P. Alexander, Mr. John H. Sharp and Mr. Richard Critz, Justices of the Supreme Court of Texas, pro se.

The United States of America,

Petitioner,

8 vs.

Bethlehem Steel Corporation, et al.; and

United States Shipping Board Merchant Fleet Corporation,

Petitioner,

9 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Argued by Mr. Solicitor General Fahy for the Petitioners and by Mr. Frederick H. Wood for the Respondents.

Cloverleaf Butter Company,

Petitioner,

28 vs.

Haygood Paterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

Argument commenced by Mr. Erle Pettus for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 10, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward J. Hayes, It is ordered that Bruno L. Blinstrub, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin D. Dickinson, It is ordered that Wm. W. Bishop, Jr., Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McInerney, It is ordered that

Warren Canaday, Esquire, of Chicago, State of Illinois; and

Sidney R. Zatz, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Frederick L. Smith, Esquire, of New York,

State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Cicero Wilson, It is ordered that Melville Reynolds Sands, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey J. Gunderson, It is ordered that

Clark Y. Gunderson, Esquire, of Vermillion, State of South Dakota; and

Walter J. O'Donnell, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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George D. Templeton, on behalf of
George Douglas Templeton, Jr.,

Appellant,

710 vs.

State of California.

Motion for extension of time within which to file petition for rehearing submitted by Mr. Thomas D. Aitken for the Appellant.

George D. Templeton, on Behalf of
George Douglas Templeton, Jr.,

Appellant,

710 vs.

State of California.

ON CONSIDERATION of the motion of counsel for the Appellant for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended for thirty days.

Per Mr. Chief Justice Stone.

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Cloverleaf Butter Company,

Petitioner,

28 vs.

Haygood Paterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

Argument continued by Mr. Erle Pettus for the Petitioner; by Mr. Charles L. Rowe and Mr. William H. Loeb for the Respondents; and concluded by Mr. Horace C. Wilkinson for the Petitioner.

Morton Salt Company,

Petitioner,

49 vs.

The G. S. Suppiger Company.

Argued by Mr. Clarence E. Mehlhope for the Petitioner and by Mr. Estill E. Ezell and Mr. Lawrence C. Kingsland for the Respondent.

B. B. Chemical Co.,

Petitioner,

75 vs.

Elmer A. Ellis and Magic Tape Company.

Argued by Mr. Harrison F. Lyman for the Petitioner and by Mr. William Gates, Jr., for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, DECEMBER 11, 1941.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Horace L. Lohnes, It is ordered that Edward L. Scheufler, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel C. Duberstein, It is ordered that Max Schwartz, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther Ely Smith, It is ordered that Luther Ely Smith, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon B. Tweedy, It is ordered that

Woodrow M. Melvin, Esquire, of Tallahassee, State of Florida;

Joseph E. Gillen, Esquire, of Tallahassee, State of Florida; and

Emery Monash, Esquire, of Detroit,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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National Labor Relations Board,

Petitioner,

774 vs.

Nevada Consolidated Copper Corporation.

Motion for extension of time within which to file opposition to petition for writ of certiorari submitted by Mr. C. C. Parsons for the Respondent.

National Labor Relations Board,

Petitioner,

774 vs.

Nevada Consolidated Copper Corporation.

ON CONSIDERATION of the motion of counsel for the Respondent to extend the time within which to file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including January 17, next.

Per Mr. Chief Justice Stone.

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Irving Trust Company and Thomas F. McGlone, Jr., as Executors, etc., et al.,

Appellants,

51 vs.

Chase L. Day, as Executor, etc.

Argument commenced by Mr. Philip Zierler for the Appellants,

Irving Trust Company, et al.; and continued by Mr. Arthur F. VanThun, Jr., for the Appellee. The Court declined to hear further argument.

Submitted by Mr. Ralph L. Haskell, Jr., for the Appellants, Edward McGlone and Robert McGlone.

The United States of America,
Petitioner,
54 vs.
James M. Ragen;

The United States of America,
Petitioner,
55 vs.
Arnold W. Kruse; and

The United States of America,
56 vs.
Lester A. Kruse.

Argued by Mr. Gordon B. Tweedy for the Petitioner; by Mr. Joseph A. Struett for the Respondents in Nos. 55 and 56; and by Mr. John L. McInerney for the Respondent in No. 54.

Scaife Company,
Petitioner,
57 vs.
Commissioner of Internal Revenue.

Argued by Mr. Samuel Kaufman for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

Guy T. Helvering, Commissioner of
Internal Revenue,

Petitioner,

248 vs.

Lerner Stores Corporation (Md.).

Argued by Mr. Richard H. Demuth for the Petitioner and by Mr. Andrew B. Trudgian for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel H. Sabin, It is ordered that Bernard V. Brady, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that C. S. Baldwin, Jr., Esquire, of Madison, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Pierce, It is ordered that Abe Goff, Esquire, of Moscow, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Mulcahy, It is ordered that John P. Carr, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Thomas W. White, et al., Former Collectors of Internal Revenue, etc.,

Petitioners,

63 vs.

Winchester Country Club.

Argued by Mr. J. Louis Monarch for the Petitioners and by Mr. Charles W. Mulcahy for the Respondent.

Merion Cricket Club,

Petitioner,

83 vs.

The United States of America.

Argued by Mr. John Lewis Evans for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

Clyde Hysler,

Petitioner,

64 vs.

The State of Florida.

Argued by Mr. Carlton C. Arnow for the Petitioner and by Mr. Joseph E. Gillen for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Richard S. Salant, Esquire, of New York, State of New York; and

Robert F. Cooper, Jr., Esquire, of Louisville, State of Kentucky;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Matthew Mansfield Neely, It is ordered that Harley M. Kilgore, Esquire, of Beckley, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Wilbur B. Davis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman Ehlers, It is ordered that

Albert H. Bosch, Esquire, of New York,
State of New York; and

Wendell L. Willkie, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gus O. Nations, It is ordered that Meyer E. Aronoff, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard Haas, It is ordered that Thomas Taylor Purdom, Esquire, of Sparta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred C. Bennett, It is ordered that Edward F. Keenan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Richard W. Galiher, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel MacDougald, It is ordered that Robert Shields Sams, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Merrick Parker, It is ordered that Martin Ashton Hutchinson, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newell Blair, It is ordered that John H. Flanigan, Esquire, of Carthage, State of

Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that Ray B. Lucas, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Austin Latimer, It is ordered that Harold T. Halfpenny, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Smith, It is ordered that Louis Regenstein, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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District of Columbia,	On writ of certiorari to the
Petitioner,	United States Court of Appeals
58 vs.	for the District of Columbia.
Henry C. Murphy.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to remand to the Board of Tax Appeals for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed took no part in the consideration or decision of this case.

District of Columbia,

Petitioner,

59 vs.

Paul M. DeHart.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to remand to the Board of Tax Appeals for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

33 vs.

Harry S. Emory, St. James Distillery, Inc., and St. James Distillery.

On writ of certiorari to the Springfield Court of Appeals, State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Springfield Court of Appeals, State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Springfield Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts, Mr. Justice Douglas, and Mr. Justice Jackson concur.

H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.,

Petitioners,

18 vs.

Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Byrnes join.

Jim Duckworth,

Appellant,

43 vs.

The State of Arkansas.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Jackson concurring in the result.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte William Cherry,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Clarence M. Brummitt,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Paul B. Roubay,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George Acret,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte G. H. Burnham and J. H. Johnston, Doing Business Under the Firm Name and Style of Johnston and Burnham,

Petitioners.

On motion for leave to file petition for writ of mandamus and rule to show cause thereupon issued.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein and the return to the rule to show cause;

IT IS ORDERED BY THIS COURT that the said motion be, and the same is hereby, denied, and the rule to show cause is discharged.

Per Mr. Chief Justice Stone.

Municipal Investors Association,

Appellant,

755 vs.

City of Birmingham, a Municipal Corporation, et al.

The statement of jurisdiction in this case having been submitted to the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

738 vs.

Elizabeth Kerr, Administratrix of the Estate of Joseph Kelly Kerr, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. B. Spencer, et al.,

Petitioners,

554 vs.

Luckenbach Gulf Steamship Company and Swayne & Hoyt, Ltd.

ON CONSIDERATION of Petitioners' motion to file a narrative form of testimony in lieu of questions and answers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. Spencer, et al.,

Petitioners,

554 vs.

Luckenbach Gulf Steamship Company and Swayne & Hoyt, Ltd.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Tenner,

Petitioner,

713 vs.

Charles W. Dullea, Chief of Police of the City and County of San Francisco.

On petition for writ of certiorari to the Superior Court of the State of California, City and County of San Francisco.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of California, City and County of San Francisco, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that petitioner has not presented his application for habeas corpus to the highest court of the state.

Per Mr. Chief Justice Stone.

Joe Tenner,

Petitioner,

713 vs.

Charles W. Dullea, Chief of Police of the City and County of San Francisco.

O R D E R

The stay heretofore entered in this case is continued until further order of this Court to afford Petitioner a reasonable opportunity to present his application for habeas corpus to the highest court of the state, and in the event of its denial to renew in this Court an application for a writ of certiorari.

Per Mr. Chief Justice Stone.

Newark Morning Ledger Company,

Petitioner,

307 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Daniel P. Woolley, Petitioner, vs. Commissioner of Internal Revenue. 743

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Suburban Lumber Company, Petitioner, vs. National Labor Relations Board. 724

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The American Packing and Provision Company,

Petitioner,

735 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Axel Hawkinson,

Petitioner,

742 vs.

George Gaston Johnston.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel R. Toucey,

Petitioner,

16 vs.

New York Life Insurance Company; and

Phoenix Finance Corporation,

Petitioner,

19 vs.

Iowa-Wisconsin Bridge Company.

O R D E R

On page 6 of the opinion in these cases, the words "have pro

tanto amended" in lines twenty-five and twenty-six are changed to "qualify pro tanto."

Per Mr. Chief Justice Stone.

Samuel R. Toucey,

Petitioner,

16 vs.

New York Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phoenix Finance Corporation,

Petitioner,

19 vs.

Iowa-Wisconsin Bridge Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Oswald Demaurez,

Petitioner.

10, Original.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Raymond Oswald Demaurez,

Petitioner.

10, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ready Truck Lines, Inc.,

Appellant,

244 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Clarence Pearson,

Petitioner,

1053 O.T. 1940 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel W. Hoan,

Petitioner,

682 vs.

The Journal Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R

The Court will take a recess from Monday, December 22, until Monday, January 5, 1942.

Per Mr. Chief Justice Stone.

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Frederick Rodiek, Ancillary Executor, etc.,

Petitioner,

325 vs.

The United States of America, et al.

Motion to substitute a party respondent submitted by Mr. Solicitor General Fahy for the Respondents.

Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased,

Petitioner,

325 vs.

United States of America, Robert H. Jackson, as Attorney General of the United States of America, et al.

ON CONSIDERATION of the motion of the Solicitor General to substitute Francis Biddle, present Attorney General of the United States, and successor to the Alien Property Custodian, as a party respondent in this case in the place and stead of Robert H. Jackson, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

744 vs.

Wrightwood Dairy Company; and

Wrightwood Dairy Company,

Petitioner,

783 vs.

The United States of America.

Motion to advance submitted by Mr. Solicitor General Fahy for the United States.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Motion of Council for Democracy, Inc., for leave to file brief as amicus curiae submitted by Mr. Frederick R. Gibbs.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

ON CONSIDERATION of the motion of counsel for the Council for Democracy, Inc., for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The United States of America,

Petitioner,

42 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, et al.

Argued by Mr. Solicitor General Fahy for the Petitioner and by Mr. Alfred C. Bennett for the Respondent.

Ira Taylor,

Appellant,

70 vs.

The State of Georgia.

Argument commenced by Mr. Leonard Haas for the Appellant and continued by Mr. Thomas Taylor Purdom for the Appellant and by Mr. C. S. Baldwin, Jr., for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Nathan M. Lubar, It is ordered that Joe T. Keating, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that

Solomon Freedman, Esquire, of Philadelphia, State of Pennsylvania; and

George Weitzman, Esquire, of Easton, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bradford S. Magill, It is ordered that Gershon A. Aronson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Dailey, It is ordered that Maurice P. McCaffrey, Esquire, of Sacramento,

State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Joseph W. Kaufman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, Jr., It is ordered that Orville W. Wood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl T. Mack, It is ordered that Kelly Bell, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond T. Nagle, It is ordered that M. J. Thomas, Esquire, of Helena, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank L. Peckham, It is ordered that

Frederick C. Wardle, Esquire, of Detroit,
State of Michigan; and

John R. McKim, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Alexander MacIntyre, It is ordered that Arthur James Carnes, Esquire, of Malden, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Labofish, It is ordered that William John Robinson, Jr., Esquire, of Boston,

State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that Manuel C. Gonzales, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archibald King, It is ordered that Arnold John VanBorkum, Esquire, of Beatrice, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hereford T. Fitch, It is ordered that Eugene Gilbert Cushing, Esquire, of Vancouver, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ira Taylor,

Appellant,

70 vs.

The State of Georgia.

Argument concluded by Mr. C. S. Baldwin, Jr., for the Appellee.

Barker Duncan,

Petitioner,

78 vs.

Guy A. Thompson, Trustee, etc.

Argued by Mr. Harry G. Waltner, Jr., for the Petitioner and by Mr. John H. Planigan for the Respondent.

Leave granted Petitioner to file a reply brief.

Julian Riley and Hughes Spalding,
Executors, etc.,

Petitioners,

81 vs.

The New York Trust Company, Administrator, etc.

Argued by Mr. Dan MacDougald for the Petitioners; by Mr. Marion Smith for the Respondents; and by Mr. Mortimer M. Kassell for the Tax Commission of the State of New York, as amicus curiae, by special leave of Court.

The United States of America, et al.,

Appellants,

52 vs.

N. E. Rosenblum Truck Lines, Inc.; and

The United States of America, et al.,

Appellants,

53 vs.

J. B. Margolies, an individual doing business as Manhattan Truck Lines.

Argument commenced by Mr. Frank Coleman for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that Edmund C. Shields, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Joseph C. Maytnier, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Mahon, It is ordered that Alvin R. Allison, Esquire, of Levelland, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Glenn W. Clark, It is ordered that Russell Voertman, Esquire, of Kansas City. State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith W. Brookhart, It is ordered that Samuel Hassen, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Coleman, It is ordered that Ralph B. Wertheimer, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, et al.,

Appellants,

52 vs.

N. E. Rosenblum Truck Lines, Inc.; and

The United States of America, et al.,

Appellants,

53 vs.

J. B. Margolies, an individual doing business as Manhattan Truck Lines.

Argument continued by Mr. Frank Coleman for the Appellants; by Mr. Gus O. Nations for the Appellees; and concluded by Mr. Frank Coleman for the Appellants.

Pete Lubetich, an individual doing business as Pacific Refrigerated Motor Lines,

Appellant,

322 vs.

The United States of America, et al.

Argued by Mr. Albert E. Stephan for the Appellant and by Mr. Frank Coleman for the Appellees.

Peter Young, alias Young Lup,

Petitioner,

86 vs.

The United States of America.

Argued by Mr. Solicitor General Fahy for the Respondent and case submitted by Mr. Fred Patterson for the Petitioner.

Harry P. Meilink, as Trustee, etc.,

Petitioner,

61 vs.

Unemployment Reserve Commission of the State of California.

Argument commenced by Mr. W. Randolph Montgomery for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. P. Gore, It is ordered that Elden S. Magaw, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Samuel A. Weiss, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that J. Walter Hall, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Mont Clair Spear, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving J. Levy, It is ordered that George B. Searls, Esquire, of Cambridge, State of

Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M. Segal, It is ordered that

Stanley I. Posner, Esquire, of Medford,
State of Massachusetts; and

Harry P. Warner, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that

Leo G. Marcollo, Esquire, of Richmond,
State of California; and

William C. Coffill, Esquire, of Sonora,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. DeWolfe, It is ordered that

Smith Troy, Esquire, of Olympia,
State of Washington; and

Floyd M. Reischling, Esquire, of Olympia,
State of Washington;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Harry P. Meilink, as Trustee, etc.,

Petitioner,

61 vs.

Unemployment Reserve Commission of the State of California.

Argument continued by Mr. W. Randolph Montgomery for the Petitioner, and concluded by Mr. John J. Dailey for the Respondent.

Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver, etc.,

Petitioner,

91 vs.

American United Life Insurance Company, et al.

Argument commenced by Mr. Willis J. O'Brien for the Petitioner; continued by Mr. Clayton F. Jennings for Respondent, John G. Emery, et al.; by Mr. John M. Scott for Respondent, Dan E. Lydick; by Mr. Robert A. Adams for Respondent, American United Life Insurance Company; and concluded by Mr. John N. Hughes, Jr., for the Petitioner.

National Labor Relations Board,

Petitioner,

71 vs.

P. Lorillard Company.

Argument commenced by Mr. Richard H. Demuth for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert B. Hardison, It is ordered that Marion Elizabeth Poole, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Wilbur N. Baughman, It is ordered that

E. Madison Hall, Jr., Esquire, of Washington, District of Columbia; and

Bernard A. Foster, Jr., Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. C. Sullivan, It is ordered that Harry Mesard, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that John W. Kearns, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. DeWolfe, It is ordered that Robert Corpening Finley, Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey J. Gunderson, It is ordered that Everett A. Bogue, Esquire, of Vermillion, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that

Hymen S. Gratch, Esquire, of Chicago,
State of Illinois;

Sydney Snitow, Esquire, of New York,
State of New York; and

Melvel W. Snitow, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

Lewis W. Petteway, Esquire, of Tallahassee,
State of Florida;

Lawrence Adams Truett, Esquire, of Tallahassee,
State of Florida; and

Donald Kingery Carroll, Esquire, of Tallahassee,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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National Labor Relations Board,

Petitioner,

71 vs.

P. Lorillard Company.

Argument continued by Mr. Homer Cummings for the Respondent and concluded by Mr. Richard H. Demuth for the Petitioner.

Illinois Natural Gas Company,

Appellant,

100 vs.

Central Illinois Public Service Company, et al.

Argued by Mr. Glenn W. Clark for the Appellant and by Mr. Albert E. Hallett, Jr., for the Appellees.

The Alton Railroad Company, et al.,

Appellants,

110 vs.

The United States of America, et al.; and

The United States of America, et al.,

Appellants,

267 vs.

The Alton Railroad Company, et al.

Argument commenced by Mr. Amos M. Mathews for the Alton Railroad Company, et al.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

John D. Swartz, Esquire, of New York,
State of New York; and

William F. Hanlon, Esquire, of Avon,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Dickinson Letts, It is ordered that

Raymond Krebill, Esquire, of Washington,
District of Columbia; and

Bertram E. Williams, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Miles Dorwin Pillars, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Philip Cohen, It is ordered that Joshua Egelson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Jacob I. Weinstein, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar J. Goodrich, It is ordered that Walter James Brobyn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Nelson Jones, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,	On writ of certiorari to the
Petitioner,	Court of Civil Appeals of the
44 vs.	State of Texas, Second Judicial
The State of Texas, et al.	District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, Second Judicial District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Mr. Justice Jackson took no part in the consideration or decision of this case.

National Labor Relations Board,
Petitioner,
25 vs.
Virginia Electric and Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the National Labor Relations Board for a redetermination of the issues in the case in the light of the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

National Labor Relations Board,
Petitioner,
26 vs.
The Independent Organization of Employees of the Virginia Electric and Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the National Labor Relations Board for a redetermination of the issues in the case in the light of the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

Scaife Company,

Petitioner,

57 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

248 vs.

Lerner Stores Corporation (Md.).

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In re Disbarment of

Howard C. Hopson.

No. —

It having been reported to the Court that Howard C. Hopson, of Madison, Wisconsin, a member of the Bar of this Court, has been disbarred from the practice of the law by the District Court of the United States for the District of Columbia; and this Court by order of October 13, 1941, having suspended the said Howard C. Hopson from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon Howard C. Hopson, who has not filed a return thereto, and that time to file such return has expired;

IT IS ORDERED that the said Howard C. Hopson be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson did not participate in the consideration or decision of this matter.

In the Matter of Joe Tenner,

Petitioner.

No. —

It is now here ordered by this Court that the State of California, its officers, agents and servants and all other persons, are hereby prohibited from removing Joe Tenner or permitting him to be removed from the State of California pending the filing by him of a petition for a writ of habeas corpus in the Supreme Court of California and pending the disposition of that petition. The petitioner is directed to file his petition for a writ of habeas corpus on or before January 7, 1942. This order prohibiting the removal of Joe Tenner from the State of California is to remain in effect until the further order of this Court.

Per Mr. Chief Justice Stone.

Ex parte Thomas Contreras,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harley Stewart,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herbert M. DeWolfe,

Complainant,

—, Original vs.

The State of California.

ON CONSIDERATION of the motion for leave to file a bill of complaint in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

744 vs.

Wrightwood Dairy Company; and

Wrightwood Dairy Company,

Petitioner,

783 vs.

The United States of America.

ON CONSIDERATION of the motion to advance these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the cases are advanced and assigned for argument on Monday, January 12, 1942.

Per Mr. Chief Justice Stone.

The United States, Petitioner, On petition for writ of certiorari to the Court of Claims.

990 O.T. 1940 vs.

Nunnally Investment Company.

A petition for rehearing having been filed in this case on the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Isabelle Hammond-Knowlton, as Administratrix Cum Testamento Annexo De Bonis Non of the Estate of Charles C. Knowlton, Deceased,

Petitioner,

327 vs.

The United States of America, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

S. M. E. Simon,

Petitioner,

734 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and

of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Raymond W. Starr, Attorney General, in the Name of and on Behalf of the People of the State of Michigan,

Petitioner,

731 vs.

B. C. Schram, Receiver of the First National Bank-Detroit, a National Banking Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Raymond W. Starr, Attorney General, in the Name of and on Behalf of the People of the State of Michigan,

Petitioner,

732 vs.

B. C. Schram, Receiver of the First National Bank-Detroit, a National Banking Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Lina H. Halverson, Beneficiary,
Petitioner,
729 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Tri-Ergon Corporation and Tri-Ergon Holding A. G.,
Petitioners,
661 vs.
Radtke Patents Corporation and Albert A. Radtke, Whitson Photophone Corporation, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Radtke Patents Corporation and Albert A. Radtke,
Petitioners,
705 vs.
Conway P. Coe, Commissioner of Patents, American Tri-Ergon Corporation, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Whitson Photophone Corporation and Delmar A. Whitson,

Petitioners,

740 vs.

Conway P. Coe, Commissioner of Patents, American Tri-Ergon Corporation, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Killoren, Trustee in Bankruptcy of Hamilton-Brown Shoe Company, Bankrupt,

Petitioner,

739 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shenandoa Rayon Corporation,

Petitioner,

741 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hudson Motor Car Company,

Petitioner,

746 vs.

Gustav C. Hertz, Administrator c.t.a. of the Estate of Lois Crane Hertz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Motor Wheel Corporation,

Petitioner,

747 vs.

Gustav C. Hertz, Administrator c.t.a. of the Estate of Lois Crane Hertz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John L. Vest,

Petitioner,

748 vs.

Federal Deposit Insurance Corporation, Receiver of the Taylor National Bank of Campbellsville, Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Swall,

Petitioner,

749 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of the Wabash Railway Company,

Petitioners,

753 vs.

Oliver S. Perry.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ben Sims,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Geiger,

Petitioner,

657 vs.

The People of the State of California; and

John C. Geiger,

Petitioner,

683 vs.

The People of the State of California.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mourning Jones,

Petitioner,

663 vs.

City of Arcadia, a Municipal Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Patterson, et ux.,

Petitioners,

690 vs.

W. E. Peel.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John P. Nick and Clyde A. Weston,

Petitioners,

712 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

General Motors Corporation,

Petitioner,

718 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration and decision of this application.

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Ex parte John Botwinski,

Petitioner.

—, Original.

Motion for leave to file petition for writ of habeas corpus presented.

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The Alton Railroad Company, et al.,

Appellants,

110 vs.

The United States of America, et al.; and

The United States of America, et al.,

Appellants,

267 vs.

The Alton Railroad Company, et al.

Argument continued by Mr. Amos M. Mathews for the Alton Railroad Company; by Mr. Daniel W. Knowlton for the United States and Interstate Commerce Commission; by Mr. George S. Dixon for John P. Fleming; and concluded by Mr. Amos M. Mathews for the Alton Railroad Company.

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Proclamation being made the Court is adjourned until Monday, January 5, 1942, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Julian Robert Wilheim, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren W. Grimes, It is ordered that Herbert Zelenko, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wymer Dressler, It is ordered that Wilfred M. McFarland, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice A. Clephane, It is ordered that Antonia E. Rago, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Wymer Dressler, It is ordered that J. M. Grimm, Esquire, of Cedar Rapids, State of

Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Hay, It is ordered that Edwin D. Franey, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Markham, It is ordered that Clarence Manion, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that Harry Dow, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Irving Trust Company and Thomas F. McGlone, Jr., as Executors Under the Last Will and Testament and Codicil Thereto of John J. McGlone, Deceased, et al.,

Appellants,

51 vs.

Chase L. Day, as Executor Under the Last Will and Testament of Helena Day McGlone, Deceased.

Appeal from the Surrogate's Court, Kings County, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court, Kings County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Surrogate's Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the decision of this case.

Harry P. Meilink, as Trustee in Bankruptcy of the Estate of United Lamp & Shade Corporation, Bankrupt,

Petitioner,

61 vs.

Unemployment Reserves Commission of the State of California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the decision of this case.

Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver for the American Life Insurance Company,

Petitioner,

91 vs.

American United Life Insurance Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the decision of this case.

The Board of Trade of Kansas City, Mo., J. F. Leahy, R. E. Swenson, G. A. Johnson, et al., Appellants,

vs.

The United States of America, Interstate Commerce Commission, Board of Railroad Commissioners of the State of North Dakota, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

143

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Roberts.

Continental Casualty Company and Marie M. Short,

vs. (Certificate)

The United States of America.

On a certificate from the United States Circuit Court of Appeals for the Third Circuit.

39

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the answer to Question 1 must be "Yes"; that the answer to Question 2(a) must be "No"; and that the answer to Question 2(b) must be "Yes". It is not necessary to answer Questions 3 and 4.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the decision of this case.

The United States of America, Petitioner,

54 vs.

James M. Ragen.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court be affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Black.

Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America, Petitioner,

55 vs.

Arnold W. Kruse.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court be affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Black.

Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
56 vs.
Lester A. Kruse.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court be affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr..Justice Black.

Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Morton Salt Company,
Petitioner,
49 vs.
The G. S. Suppiger Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the decision of this case.

B. B. Chemical Co., Petitioner, vs. Elmer A. Ellis and Magic Tape Company. — On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

75

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the decision of this case.

Illinois Natural Gas Company, Appellant, vs. Central Illinois Public Service Company and Illinois Commerce Commission. — Appeal from the Supreme Court of the State of Illinois.

100

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Ex parte Don Ascanio Colonna,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writs of prohibition and mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the decision of this application.

National Labor Relations Board, Petitioner, vs. P. Lorillard Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

71

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enforce the order of the Board.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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Ex parte John Botwinski,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Fred C. Perkins, Individually and Trading as Perkins Battery Company,

Appellant,

vs.

Commonwealth of Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

794

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the judgment of the said Supreme Court in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

IT IS ORDERED by this Court that the surviving members, or so many of them as are willing to serve, of the Advisory Committee appointed by the orders of the Court dated June 3, 1935, and February 17, 1936, pursuant to Section 2 of the Act of June 19, 1934, C. 651, 48 Stat. 1064, are designated as a continuing Advisory Committee to advise the Court with respect to proposed amendments or additions to the Rules of Civil Procedure for the District Courts of the United States.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this order.

Ex parte Stephen Rogalski,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Ex parte Kenneth Gerard,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Identification Devices, Inc., by
James M. Rulong,

Petitioner,

108 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file an amended petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

The Cuno Engineering Corporation,

Petitioner,

37 vs.

The Automatic Devices Corporation.

O R D E R

IT IS ORDERED that the mandate of this Court in the above entitled cause on file in the District Court of the United States for the District of Connecticut be, and the same is hereby, recalled; and that said mandate be amended so as to give petitioner recovery for additional costs in the sum of $70.60, being the expense incurred in furnishing copies of certain patents for inclusion in the record.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this order.

Glen Wilkerson,

Petitioner,

759 vs.

B. B. Barefoot, et al., Judges of the Criminal Court of Appeals of the State of Oklahoma.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Glen Wilkerson,

Petitioner,

759 vs.

B. B. Barefoot, et al., Judges of the Criminal Court of Appeals of the State of Oklahoma.

On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court of Appeals of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Bert Wooner,

Petitioner,

776 vs.

Milton P. Amrine, Warden of the Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Bert Wooner,

Petitioner,

776 vs.

Milton F. Amrine, Warden of the Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

E. R. Fitzgerald,

Petitioner,

784 vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

E. R. Fitzgerald,

Petitioner,

784 vs.

The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Vincent Mummiani,

Petitioner,

790 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Vincent Mummiani,

Petitioner,

790 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The People of the State of New York, ex rel. Vincent Mummiani,

Petitioner,

791 vs.

William E. Hunt, as Warden of Attica State Prison, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The People of the State of New York, ex rel. Vincent Mummiani,

Petitioner,

791 vs.

William E. Hunt, as Warden of Attica State Prison, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Everett Ault Evans, alias Everett A. Troglin, alias Dutch Evans,

Petitioner,

635 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration and decision of this application.

Everett Ault Evans, alias Everett A. Troglin, alias Dutch Evans,

Petitioner,

635 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration and decision of this application.

Eugene S. Gates,

Petitioner,

666 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Eugene S. Gates, Petitioner, vs. The United States of America. 666

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration of this application.

Eugene S. Gates,

Petitioner,

779 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Eugene S. Gates,

Petitioner,

779 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Steuart Purcell, et al., Constituting the Public Service Commission of Maryland, et al.,

Appellants,

803 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this question.

Prudence Realization Corporation,

Petitioner,

757 vs.

A. Joseph Geist, Trustee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Dewey Brillhart, Administrator of the Estate of James Dwight Brillhart, Deceased,

Petitioner,

772 vs.

The Excess Insurance Company of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Elise N. Milburn, Wife of William Palmer Biles,

Petitioner,

750 vs.

Proctor Trust Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

William H. Taylor,

Petitioner,

751 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Girard Investment Company,
Petitioner,
752 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Estate of John Sage, Deceased, Alfred D. Sage, et al., Executors,
Petitioners,
760 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Electro Metallurgical Company, Frederick M. Becket and Russell Franks,
Petitioners,
761 vs.
Krupp Nirosta Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Louis Daroca,

Petitioner,

773 vs.

Metropolitan Life Insurance Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

James M. Leaver, Jr.,

Petitioner,

762 vs.

Citizens National Trust and Savings Bank of Riverside, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

McLaughlin Land and Livestock Company,

Petitioner,

777 vs.

Bank of America National Trust & Savings Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Sarah I. McReynolds,

Petitioner,

778 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The State of Missouri,

Petitioner,

797 vs.

St. Louis Union Trust Company, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

North American Bond Trust, City Bank Farmers Trust Company, Trustee,

Petitioner,

758 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

763 vs.

Gulf Refining Company of Louisiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

764 vs.

Gulf Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

765 vs.

Humble Oil and Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

766 vs.

Shell Oil Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

767 vs.

Freeport Sulphur Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc.,

Petitioner,

768 vs.

Ernest Cockrell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., Petitioner,

769 vs.

Gulf Refining Company of Louisiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., Petitioner,

770 vs.

Ernest Cockrell, His Curator Ad Hoc, Bruce Nunez, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee for Mt. Forest Fur Farms of America, Inc., Petitioner,

771 vs.

Ernest Cockrell, Sidney L. Herold, Sumter P. Cousin, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration and decision of this application.

Mourning Jones,

Petitioner,

663 vs.

City of Arcadia, a Municipal Corporation.

ON CONSIDERATION of the motion to reconsider the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Mounring Jones,

Petitioner,

663 vs.

City of Arcadia, a Municipal Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Chrysler Corporation, De Soto Motor Corporation, et al.,

Appellants,

40 vs.

The United States of America.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Chrysler Corporation, De Soto Motor Corporation, et al.,

Appellants,

40 vs.

The United States of America.

ON CONSIDERATION of the petition for rehearing filed in this case and of the motion for stay of issuance of the mandate,

IT IS ORDERED by this Court that the petition for rehearing and the motion for stay of issuance of the mandate herein be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Leon Charles Weiss,

Petitioner,

697 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America, as Guardian of the Indians of the Tribe of Hualpai, etc.,

Petitioner,

23 vs.

Santa Fe Pacific Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

E. V. Parker, Deputy Commissioner,
United States Employees' Compensation Commission,

Petitioner,

46 vs.

Motor Boat Sales, Incorporated.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Louis H. Pink, Superintendent of
Insurance of the State of New York,

Petitioner,

48 vs.

A. A. A. Highway Express, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Joseph N. Weber, as President of the
American Federation of Musicians, et al.,

Petitioners,

295 vs.

Opera on Tour, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Douglas Van Horne,

Petitioner,

719 vs.

Frank T. Hines, as Administrator of Veterans Affairs.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Joseph R. Mickens,

Petitioner,

785 vs.

Commonwealth of Virginia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

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Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which judgments or orders are this day announced.

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National Labor Relations Board,

Petitioner,

281 vs.

Sparks-Withington Company and United Cooperative Society of Jackson, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

IT APPEARING to the Court that counsel for the Petitioner have filed a motion to dismiss the writ of certiorari in this case,

Therefore, pursuant to said motion, IT IS ORDERED by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this case.

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Southport Petroleum Company,

Petitioner,

67 vs.

National Labor Relations Board.

Argued by Mr. Harry Dow for the Petitioner and by Mr. Robert B. Watts for the Respondent.

James H. Halliday, a person non compos mentis, by his Committee, Annie Halliday,

Petitioner,

101 vs.

The United States of America.

Argument commenced by Mr. R. K. Wise for the Petitioner; continued by Mr. Warren E. Miller for the Petitioner; by Mr. Wilbur C. Pickett for the Respondent; and concluded by Mr. R. K. Wise for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Dickinson, It is ordered that

Guy W. Knight, Esquire, of Philadelphia,
State of Pennsylvania; and

William F. Zearfaus, Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Harry C. Page, Esquire, of Scarsdale, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wymer Dressler, It is ordered that Samuel L. Winters, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben J. Goldman, It is ordered that

Frank L. Nevius, Esquire, of Springfield,
State of Ohio;

Eugene A. Nevius, Esquire, of Springfield, State of Ohio; and

Jerome A. Nevius, Esquire, of Springfield, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf of Mr. Joseph Kovner, It is ordered that Ben Anderson, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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C. L. Williams, Individually, etc., et al.,

Petitioners,

112 vs.

Jacksonville Terminal Company.

Argued by Mr. Frank F. L'Engle for the Petitioner; by Mr. Robert L. Stern for the Administrator of the Wage and Hour Division, United States Department of Labor, as amicus curiae, by special leave of Court; and by Mr. John Dickinson for the Respondent.

A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, etc.,

Petitioner,

1023 O.T. 1940 vs.

The Union Terminal Company.

Argument commenced by Mr. Charles M. Hay for the Petitioner and continued by Mr. Robert G. Payne for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Jay Bowerman, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Bender, It is ordered that Newell S. Boardman, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Stanley, It is ordered that

John W. Giesecke, Esquire, of Saint Louis, State of Missouri; and

Harold C. Ackert, Esquire, of Saint Louis, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carleton S. Hadley, It is ordered that Arnot L. Sheppard, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl V. Rice, It is ordered that Frank J. Comfort, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Cousellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fendall Marbury, It is ordered that Jesse Slingluff, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Samuel Platt, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that John P. Tarbox, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Joseph G. Cooper, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benedict P. Cottone, It is ordered that S. Thomas Simon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that William F. Kenney, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. J. Pickett, General Chairman
of the Brotherhood of Railway and
Steamship Clerks, etc.,

Petitioner,

1023 O.T. 1940 vs.

The Union Terminal Company.

Argument continued by Mr. John Dickinson for the Respondent and concluded by Mr. Charles M. Hay for the Petitioner.

The United States of America,

Petitioner,

131 vs.

Local 807 of International Brotherhood of Teamsters, etc., et al.; and

Local 807 of International Brotherhood of Teamsters, etc., et al.,

Petitioners,

132 vs.

The United States of America.

Argued by Mr. Assistant Attorney General Arnold for the United States and by Mr. Louis B. Boudin for Local 807 of International Brotherhood of Teamsters, etc., et al., and case submitted by Mr. John D. C. Murray for William Campbell, et al.

Charles M. Thomson, Trustee,
etc., et al.,

Petitioners,

139 vs.

Barney E. Gaskill, et al.

Argument commenced by Mr. Wymer Dressler for the Petitioners and continued by Mr. S. L. Winters for the Respondents, and by Mr. Wilfred M. McFarland for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Le Roy Marceau, Esquire, of Warren, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Jago, It is ordered that Erasmo R. Cruz, Esquire, of Bocaue, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. MacCracken, Jr., It is ordered that Harold F. Lindley, Esquire, of Danville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer R. Irion, It is ordered that William H. Collier, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Pledger, Jr., It is ordered that Elbert R. Gilliom, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Charles M. Thomson, Trustee, etc., et al.,

Petitioners,

139 vs.

Barney E. Gaskill, et al.

Argument continued by Mr. Wilfred M. McFarland for the Petitioners and concluded by Mr. S . L. Winters for the Respondent.

The United States of America,

Petitioner,

151 vs.

Joliet & Chicago Railroad Company.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Arthur D. Welton, Jr., for the Respondent.

Clarence A. Stewart, Administrator, etc.,

Petitioner,

161 vs.

Southern Railway Company.

Argument commenced by Mr. William H. Allen for the Petitioner; continued by Mr. Charles M. Hay for the Petitioner and by Mr. Sidney S. Alderman for the Respondent; and concluded by Mr. William H. Allen for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Benton L. Britnell, Esquire, of Decatur, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Clair A. Davis, Esquire, of Saint Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sewall Myer, It is ordered that Bernard A. Golding, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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D'Oench, Duhme & Co., Inc.,
Petitioner,
206 vs.
Federal Deposit Insurance Corporation.

Argument commenced by Mr. John W. Giesecke for the Petitioner;

continued by Mr. Harold C. Ackert for the Petitioner and by Mr. Assistant Attorney General Shea for the Respondent; and concluded by Mr. John W. Giesecke for the Petitioner.

Elizabeth Wright and Charles C. Wright,

Petitioners,

229 vs.

Gusto Logan, Harriet Logan Sawyer and Exia Logan Reese.

Argued by Mr. Elmer McClain for the Petitioners and by Mr. Harold F. Lindley for the Respondents.

Hotel & Restaurant Employee's International Alliance, Local No. 122, et al.,

Petitioners,

124 vs.

Wisconsin Employment Relations Board, et al.

Argument commenced by Mr. I. E. Goldberg for the Petitioners.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Margaret H. Brass, of Connellsville, (Miss)
State of Pennsylvania;

Hibbard Richter, Esquire, of Boston,
State of Massachusetts; and

Robert Mack David, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin E. Stein, It is ordered that Harold Lypski Lipton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that James Woodall Rodgers, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Hersh, It is ordered that Myman M. Roth, Esquire, of Orlando, State of Florida, be

admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that John F. Newcomb, Esquire, of Athens, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that William Z. Kerr, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Jacobi, It is ordered that

Joseph Apfel, Esquire, of New York, State of New York; and

Arthur Steinberg, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Cobb, It is ordered that George E. C. Hayes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bailey Stanton, It is ordered that William McKinley Gleeson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Thomas W. White, et al., Former Collectors of Internal Revenue for the District of Massachusetts,

Petitioners,

vs.

Winchester Country Club.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

63

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the decision of this case.

Merion Cricket Club,

Petitioner,

83 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the decision of this case.

The Alton Railroad Company, the Atchison, Topeka and Santa Fe Railway Company, Charles M. Thomson, Trustee of Chicago and Eastern Illinois Railway Company, et al.,

Appellants,

110 vs.

The United States of America, Interstate Commerce Commission and John P. Fleming, an Individual Doing Business as John P. Fleming Driveaway Service;

Appeal and Cross-Appeal from the District Court of the United States for the Eastern District of Michigan.

The United States of America, Interstate Commerce Commission, and John P. Fleming, an Individual Doing Business as John P. Fleming Driveaway Service,

Appellants,

267 vs.

The Alton Railroad Company.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Ex parte The State of Texas, Railroad Commission of Texas, et al.,

Petitioners.

On motion for leave to file petition for writ of mandamus and rule to show cause thereupon issued.

—, Original.

THIS CAUSE came on to be heard on the motion for leave to file a petition for writ of mandamus and on the return to the rule to show cause, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file a petition for writ of mandamus herein be, and the same is hereby, denied.

AND IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Justice Frankfurter.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy concur in the result.

Mr. Justice Roberts heard the argument and agreed to the above disposition of the case, but through absence was unable to join in the opinion.

Barker Duncan,

Petitioner,

78 vs.

Guy A. Thompson, Trustee of Missouri Pacific Railroad Company.

On writ of certiorari to the Springfield Court of Appeals, State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Springfield Court of Appeals, State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Springfield Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Ira Taylor,

Appellant,

70 vs.

The State of Georgia.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Mr. Justice Roberts took no part in the decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Steuart Purcell, et al., Constituting the Public Service Commission of Maryland, et al.,

Appellants,

803 vs.

The United States of America, et al.

This case is advanced and assigned for argument on Monday, February 9, next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

Identification Devices, Inc., by James M. Rulong,

Petitioner,

108 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file an amended petition for appeal to the United States Court of Appeals for the District of Columbia in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

W. Leamon Ralston,

Petitioner,

787 vs.

Charles H. Cox, United States Marshal.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

W. Leamon Ralston,

Petitioner,

787 vs.

Charles H. Cox, United States Marshal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, It is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Joseph Shotkin and Bernard Shotkin, etc.,

Petitioners,

788 vs.

John M. Beidler, Morris Drob, Louis E. Leventhal, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Joseph Shotkin and Bernard Shotkin, etc.,

Petitioners,

788 vs.

John M. Beidler, Morris Drob, Louis E. Leventhal, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

J. W. Barwick,

Petitioner,

793 vs.

Columbus Roberts, as Commissioner of Agriculture of the State of Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

J. W. Barwick,

Petitioner,

793 vs.

Columbus Roberts, as Commissioner of Agriculture of the State of Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

James E. Jackson,

Petitioner,

796 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

James E. Jackson,

Petitioner,

796 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Caroline White,

Petitioner,

804 vs.

City of Harrisburg.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Caroline White,

Petitioner,

804 vs.

City of Harrisburg.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Jack T. Skinner,

Petitioner,

782 vs.

The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Oklahoma is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

The State Tax Commission of Utah,

Petitioner,

814 vs.

Malcolm P. Aldrich and Mary S. Harkness, Administrators with the Will Annexed of the Estate of Edward S. Harkness, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Utah is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Wilmington Trust Company, Executor of Alice DuPont Ortiz, Deceased,

Petitioner,

775 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the question whether the Circuit Court of Appeals should have set aside the

findings of the Board of Tax Appeals relating to question 1(a) of the petition for writ of certiorari.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

John J. Oughton, Charles T. Oughton, Bertram E. Oughton and Robert B. Oughton, Co-partners Trading as Windsor Manufacturing Company,

Petitioners,

98 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Thomas Gibbs, Catherine V. Kilmartin, Vincent Bolinski, et al., etc.,

Petitioners,

170 vs.

National Labor Relations Board, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Joseph Friedman,
Petitioner,
733 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration and decision of this application.

Royal Indemnity Company,
Petitioner,
781 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration and decision of this application.

Sallie Essary, Executrix of the Estate of William H. Essary, Deceased,
Petitioner,
792 vs.
Frank O. Lowden, et al., Trustees of the Estate of the Chicago, Rock Island and Pacific Railway Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that the petition should be granted.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Ex parte George Acret,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Ex parte George Acret,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a supplemental or amended petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Minnesota Mining & Manufacturing Company,

Petitioner,

257 vs.

Conway P. Coe, Commissioner of Patents;

Minnesota Mining & Manufacturing Company,

Petitioner,

258 vs.

Conway P. Coe, Commissioner of Patents; and

Minnesota Mining & Manufacturing Company,

Petitioner,

259 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration and decision of this application.

Moloney Electric Company,

Petitioner,

659 vs.

Guy T. Helvering, Commissioner of Internal Revenue; and

Moloney Electric Company,

Petitioner,

660 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

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Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which orders are this day announced.

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O R D E R

The Court will take a recess from Monday, January 19, until Monday, February 2, next.

Per Mr. Chief Justice Stone.

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Cudahy Packing Company of Louisiana, Ltd.,

Petitioner,

245 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, etc.

ON CONSIDERATION of the motion to substitute Thomas W. Holland, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Respondent herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Philip B. Fleming, Administrator of
the Wage and Hour Division, etc.,

Petitioner,

529 vs.

Lowell Sun Company.

ON CONSIDERATION of the motion to substitute Thomas W. Holland, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Petitioner herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Philip B. Fleming, Administrator of
the Wage and Hour Division, etc.,

Petitioner,

622 vs.

A. H. Belo Corporation.

ON CONSIDERATION of the motion to substitute Thomas W. Holland, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Petitioner herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

The Cudahy Packing Company,

Petitioner,

805 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, etc.

ON CONSIDERATION of the motion to substitute Thomas W. Holland, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Respondent herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

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Major Raymond Lisenba,

Petitioner,

4 vs.

The People of the State of California; and

Major Raymond Lisenba,

Petitioner,

5 vs.

The People of the State of California.

Motion to stay issuance of mandates pending consideration and disposition of petitions for rehearing submitted by Mr. Morris Lavine for the Petitioner.

Major Raymond Lisenba,

Petitioner,

4 vs.

The People of the State of California.

Major Raymond Lisenba,

Petitioner,

5 vs.

The People of the State of California.

ON CONSIDERATION of the motion to stay the issuance of the mandates in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the mandates be stayed pending consideration and disposition of the petitions for rehearing.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

George D. Templeton, on behalf of
George Douglas Templeton, Jr.,

Appellant,

710 vs.

State of California.

Motion for extension of time within which to file petition for rehearing submitted by Mr. Thos. D. Aitken for the Appellant.

George D. Templeton, on Behalf of
George Douglas Templeton, Jr.,

Appellant,

710 vs.

State of California.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including February 11th next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this motion.

Gene Buck, Individually, etc., et al.,

Appellants,

184 vs.

Otto Case, Individually, etc., et al.

Motion of Appellee Lockhart to reinstate case on the calendar submitted by John G. Lockhart pro se.

Gene Buck, Individually, etc., et al.,

Appellants,

184 vs.

Otto Case, Individually, etc., et al.

Motion to dismiss submitted by Mr. Louis D. Frohlich and Mr. Herman Finkelstein for the Appellants.

City of Texarkana, Texas,

Petitioner,

186 vs.

Arkansas Louisiana Gas Company.

Stipulation to dismiss and remand presented.

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Hotel & Restaurant Employee's International Alliance, Local No. 122, et al.,

Petitioners,

124 vs.

Wisconsin Employment Relations Board, et al.

Argument continued by Mr. Joseph A. Padway for the Petitioners; by Mr. W. S. Boardman and Mr. Herman M. Knoeller for the Respondents; and concluded by Mr. Joseph A. Padway for the Petitioners.

Columbia River Packers Association,
Inc.,

Petitioner,

142 vs.

H. B. Hinton, et al.

Argument commenced by Mr. Jay Bowerman for the Petitioner and continued by Mr. Ben Anderson for the Respondents and by Mr. Ralph E. Moody for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward C. Maguire, It is ordered that Samuel J. Cohen, Esquire, of Monticello, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Harold A. Lockhart, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that I. Stanley Rosenthal, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Raymond Turkel, It is ordered that Charles I. Schottland, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Casper William Coms, It is ordered that John A. Russell, Esquire, of Chicago, State

of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Worischek, It is ordered that Roy E. Raney, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orille C. Gaudette, It is ordered that Harry Elmer Fake, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Columbia River Packers Association, Inc.,

Petitioner,

142 vs.

H. B. Hinton, et al.

Argument concluded by Mr. Ralph E. Moody for the Petitioner.

Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

901 O.T. 1940 vs.

Hyman Wohl and Louis Platzman.

Argued by Mr. Edward C. Maguire for the Petitioners and by Mr. Arthur Steinberg for the Respondents.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

Argued by Mr. Sewall Myer and Mr. Joseph A. Padway for the Petitioners and by Mr. Bernard A. Golding for the Respondent.

Great Northern Railway Company,

Petitioner,

149 vs.

The United States of America.

Argument commenced by Mr. P. G. Dorety for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Wm. B. Carssow, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore L. Bartlett, It is ordered that Margaret H. McMahon, of Danbury, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Chauncey Newlin, It is ordered that Fred Simon, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur Daigh Mills, It is ordered that E. C. Gathings, Esquire, of West Memphis, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Phil Dice Morelock, It is ordered that Temple W. Seay, Esquire, of Lynchburg, State of

Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin D. Dickinson, It is ordered that Herbert Resner, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Hugh D. McLellan, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brien McMahon, It is ordered that John J. Quinn, Esquire, of Red Bank, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin D. Dickinson, It is ordered that John Felton Turner, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that John T. Sapienza, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. March, It is ordered that Genevieve E. Predsall, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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Great Northern Railway Company,

Petitioner,

149 vs.

The United States of America.

Argument continued by Mr. F. G. Dorety for the Petitioner; by Mr. Vernon L. Wilkinson for the Respondent; and concluded by Mr. F. G. Dorety for the Petitioner.

The United States of America,

Petitioner,

744 vs.

Wrightwood Dairy Company; and

Wrightwood Dairy Company,

Petitioner,

783 vs.

The United States of America.

Argued by Mr. John S. L. Yost for the United States and by Mr. Alvin E. Stein for Wrightwood Dairy Company.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

Argument commenced by Mr. Assistant Attorney General Clark for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that

Francis R. Curran, Esquire, of Wappingers Falls, State of New York; and

William Gerard Ryan, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen R. Cozier, It is ordered that William T. Thurman, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon B. Tweedy, It is ordered that William J. Samford, Esquire, of Opelika, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that

Max M. Marston, Esquire, of Detroit, State of Michigan;

Henry E. Rice, Esquire, of Detroit,
State of Michigan; and

Frank Schwartz, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

Argument continued by Mr. Assistant Attorney General Clark for the Petitioner; by Mr. A. Chauncey Newlin for the Respondent; and concluded by Mr. Assistant Attorney General Clark for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

328 vs.

Alabama Asphaltic Limestone Company.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. J. A. O'Callaghan for the Respondent.

Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds,

Petitioner,

128 vs.

Commissioner of Internal Revenue; and

Marlborough House, Inc.,

Petitioner,

129 vs.

Commissioner of Internal Revenue.

Argued by Mr. William Z. Kerr for the Petitioners and by Mr. Assistant Attorney General Clark for the Respondent.

Palm Springs Holding Corporation,

Petitioner,

503 vs.

Commissioner of Internal Revenue.

Argued by Mr. John E. Hughes for the Petitioner and by Mr. Assistant Attorney General Clark for the Respondent.

Exhibit Supply Company,

Petitioner,

154 vs.

Ace Patents Corporation;

Genco, Inc.,

Petitioner,

155 vs.

Ace Patents Corporation; and

Chicago Coin Machine Company,

Petitioner,

156 vs.

Ace Patents Corporation.

Argument commenced by Mr. John H. Sutherland for the Petitioners and continued by Mr. Casper W. Ooms for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 16, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Joseph A. Avery, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Irving H. Green, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Breuer, It is ordered that Sol Andrews, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Thuee, It is ordered that Wm. H. Gross, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Koplovitz, It is ordered that Winston P. McCall, Esquire, of Birmingham,

State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Enrietto, It is ordered that Melber Chambers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Sloss, It is ordered that Ben. C. Duniway, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Phil Dice Morelock, It is ordered that Reuben R. McCornack, Esquire, of Arkansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Exhibit Supply Company,

Petitioner,

154 vs.

Ace Patents Corporation;

Genco, Inc.,

Petitioner,

155 vs.

Ace Patents Corporation; and

Chicago Coin Machine Company,

Petitioner,

156 vs.

Ace Patents Corporation.

Argument continued by Mr. Casper W. Ooms for the Respondent and concluded by Mr. John H. Sutherland for the Petitioners.

The United States of America and
Interstate Commerce Commission,

Appellants,

197 vs.

Carolina Freight Carriers Corporation.

J.

Argued by Mr./Stanley Payne for Appellant, Interstate Commerce Commission; and by Mr. Wilmer Hill for the Appellee, and case submitted by Mr. Solicitor General Fahy, Mr. Assistant Attorney General Arnold, Mr. Frank Coleman, and Mr. Smith R. Brittingham, Jr., for Appellant, The United States.

Howard Hall Company, Inc.,

Appellant,

210 vs.

The United States of America and
Interstate Commerce Commission.

Argument commenced by Mr. Allan Watkins for the Appellant and continued by Mr. Nelson Thomas for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that Neill Reed, Esquire, of Blytheville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that

Geo. H. West, Esquire, of Kansas City, State of Kansas;

Joseph H. McDowell, Esquire, of Kansas City, State of Kansas; and

Harold H. Harding, Esquire, of Kansas City, State of Kansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that J. Donald Coffin, Esquire, of Council Grove, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Murray Hanson, It is ordered that Albert C. Theis, Esquire, of Saint Louis, State

of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Wilbur E. Dow, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Etta Louise Taggart, It is ordered that

Paul D. Taggart, Esquire, of Silver Spring,
State of Maryland; and

Olive Virginia King, of Washington, (Miss)
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Cole, Jr., It is ordered that

Harry Richard Smalkin, Esquire, of Towson,
State of Maryland;

William Hoffenberg, Esquire, of Baltimore,
State of Maryland;

Max Sokol, Esquire, of Baltimore,
State of Maryland; and

Samuel S. Smalkin, Esquire, of Baltimore,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Lawrence Fly, It is ordered that Carlos Lindner Israels, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that J. Rex Dibble, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James C. Ingebretsen, It is ordered that Maurice Jacob Hindin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Steimle, It is ordered that John A. Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that George Foster Longsdorf, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Frank A. Berry, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Southport Petroleum Company, Petitioner,

67 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice concurs.

James H. Halliday, a Person Non Compos Mentis, by His Committee, Annie Halliday,

Petitioner,

101 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of South Carolina for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Byrnes.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

The United States of America and Interstate Commerce Commission,

Appellants,

52 vs.

N. E. Rosenblum Truck Lines, Inc.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The United States of America and Interstate Commerce Commission,

Appellants,

53 vs.

J. B. Margolies, an Individual Doing Business as Manhattan Truck Lines.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Pete Lubetich, an Individual Doing Business as Pacific Refrigerated Motor Line,

Appellant,

322 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Western District of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Murphy.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Daniel D. Glasser,

Petitioner,

30 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and the judgment of the District Court convicting Glasser is set aside; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for a new trial.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

Norton I. Kretske,

Petitioner,

31 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed, and the judgment of the District Court convicting Kretske is in all respects upheld; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

Alfred E. Roth,

Petitioner,

32 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed, and the judgment of the District Court convicting Roth is in all respects upheld; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Murphy.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

The United States of America,

Petitioner,

151 vs.

Joliet & Chicago Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that of the District Court affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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The C. H. Musselman Company,

Appellant,

816 vs.

George P. Alderson, State Tax Commissioner of West Virginia.

Appeal from the Circuit Court of Kanawha County, State of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Kanawha County, State of West Virginia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court of Kanawha County, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.,

Appellants,

184 vs.

Otto Case, Individually and as State Treasurer of Washington, et al.

ON CONSIDERATION of the motion of Appellee Lockhart to reinstate this case on the calendar,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this motion.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al., Appellants,

vs.

Otto Case, Individually and as State Treasurer of Washington, et al.

184

Appeal from the District Court of the United States for the Western District of Washington.

IT APPEARING to the Court that counsel have filed a motion and stipulation to dismiss the appeal in this case,

ON CONSIDERATION of said stipulation, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed without costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this order.

City of Texarkana, Texas, Petitioner,

vs.

Arkansas Louisiana Gas Company.

186

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation stating that a settlement of all controversies between the parties has been agreed upon and providing for dismissal of the case;

ON CONSIDERATION of said stipulation, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; costs in this Court to be paid by the Respondent.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Texas with directions to enter appropriate orders.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this order.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte John A. Kennedy,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

J. L. Stewart,

Petitioner,

756 vs.

T. W. Davidson, Judge of the United States District Court for the Northern District of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

J. L. Stewart,

Petitioner,

756 vs.

T. W. Davidson, Judge of the United States District Court for the Northern District of Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Sam Ruben, James Foley, Barney Neufield and Joseph Flynn,

Petitioners,

842 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Sam Ruben, James Foley, Barney Neufield and Joseph Flynn,

Petitioners,

842 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be,

and the same is hereby, denied for the reason that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

774 vs.

Nevada Consolidated Copper Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Plow City Steamship Company, Claimant of the Steamship "Plow City",

Petitioner,

795 vs.

Texas Gulf Sulphur Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Chief Justice and Mr. Justice Roberts took no part in the consideration and decision of this application.

Helen T. Schaaf, et al.,

Petitioners,

825 vs.

Eleventh Ward Building and Loan Association of Newark, New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

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Mr. Justice Roberts took no part in the consideration and decision of the cases appearing upon this list in which judgments or orders are this day announced.

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Howard Hall Company, Inc.,

Appellant,

210 vs.

The United States of America and Interstate Commerce Commission.

Argument continued by Mr. Nelson Thomas for the Appellees and concluded by Mr. Allan Watkins for the Appellant.

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Proclamation being made the Court is adjourned until Monday, February 2, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Russell Morton Brown, Esquire, of Washington, District of Columbia;

Robert Kramer, Esquire, of Washington, District of Columbia;

James B. Frazier, Jr., Esquire, of Chattanooga, State of Tennessee;

Archibald Cox, Esquire, of Boston, State of Massachusetts;

Ernest A. Gross, Esquire, of New York, State of New York; and

Leon Jaworski, Esquire, of Houston, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Dolly Lee Butler, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Donald R. Rankin, Esquire, of Richmond, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Lee Boatwright, Jr., It is ordered that Frank W. Bruce, Esquire, of Tuscaloosa, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Sullivan, It is ordered that Max M. Librach, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that

David R. Boatright, Esquire, of Fort Smith,
State of Arkansas; and

Lemuel Campbell Bryan, Esquire, of Fort Smith,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Marshall Bullitt, It is ordered that Lawrence E. Brown, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fendall Marbury, It is ordered that G. Van Velsor Wolf, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith Troy, It is ordered that Theodore H. Little, Esquire, of Ephrata, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willard H. McEwen, It is ordered that Clarence M. Mulholland, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Barton, It is ordered that Richard R. McGinnis, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Posey T. Kime, It is ordered that Theodore Lockyear, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick Henry Winston, It is ordered that Beverly S. Wilkerson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Telford Taylor, It is ordered that Harold D. Cohen, Esquire, of Kingston, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David B. Hexter, It is ordered that A. Bernard Sclove, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard W. Galiher, It is ordered that Eugene W. Test, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that Milford S. Zimmerman, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Benjamin M. Brodsky, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Peter Young, Alias Young Lup, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

86

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Territory of Hawaii for such further proceedings as may be required in the light of the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

Great Northern Railway Company, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

149

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Montana.

Per Mr. Justice Murphy.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

328 vs.

Alabama Asphaltic Limestone Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Palm Springs Holding Corporation,

Petitioner,

503 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Bondholders Committee, Marlborough Investment Company, First Mortgage Bonds,

Petitioner,

128 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Marlborough House, Inc.,

Petitioner,

129 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

The United States of America,

Petitioner,

42 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, et al.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, on the remittitur from Court of Appeals of the State of New York, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Reed and Mr. Justice Jackson did not participate in the consideration or decision of this case.

Separate opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

Cloverleaf Butter Company,

Petitioner,

28 vs.

Haygood Patterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter, Mr. Justice Murphy, and Mr. Justice Byrnes join.

Dissenting opinion by Mr. Justice Frankfurter.

Elizabeth Wright and Charles C. Wright,

Petitioners,

229 vs.

Gusto Logan, Harriet Logan Sawyer and Exia Logan Reese.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Columbia River Packers Association, Inc.,

Petitioner,

142 vs.

H. B. Hinton, George Bambrick, J. B. Brandt, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

744 vs.

Wrightwood Dairy Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Wrightwood Dairy Company, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

783

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Exhibit Supply Company, Petitioner, vs. Ace Patents Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

154

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, costs in this Court to be equally divided; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

Genco, Inc., Petitioner, vs. Ace Patents Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

155

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, Genco, Inc., to recover its costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

Chicago Coin Machine Company, Petitioner, vs. Ace Patents Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

156

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, costs in this Court to be equally divided; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

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The Chief Justice announced the following orders of the Court:

Alice Seago, Administratrix of the Estate of William E. Seago,

Petitioner,

vs.

The New York Central Railroad Company.

Order allowing certiorari.

832

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alice Seago, Administratrix of the Estate of William E. Seago,

Petitioner,

vs.

The New York Central Railroad Company.

On writ of certiorari to the Supreme Court of the State of Missouri.

832

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed, with costs, on the ground that there was sufficient evidence of negligence for submission to the jury.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Supreme Court of Missouri for its consideration of other questions presented on the appeal and for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Karl Hoblitzelle,

Appellant,

836 vs.

City of University Park, et al.

ON CONSIDERATION of the motion for leave to file a statement of jurisdiction and of the motion for leave to file an amended opposition in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Karl Hoblitzelle, Appellant, vs. City of University Park, et al. — Appeal from the Court of Civil Appeals of the State of Texas, Fifth Supreme Judicial District. 836

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, Fifth Supreme Judicial District, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Karl Hoblitzelle, Appellant, vs. City of University Park, et al. — Appeal from the Court of Civil Appeals of the State of Texas, Fifth Supreme Judicial District. 836

TREATING the appeal papers herein from the Court of Civil Appeals of the State of Texas, Fifth Supreme Judicial District, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Edward Casebeer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Rufo C. Romero,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Frederick H. Ecker, John W. Stedman, et al.,

Petitioners,

819 vs.

Western Pacific Railroad Corporation, et al.;

and

Crocker First National Bank of San Francisco, et al.,

Petitioners,

820 vs.

Western Pacific Railroad Corporation, et al.

ON CONSIDERATION of the motion of Respondent, Irving Trust Co., to defer consideration of the petitions for writs of certiorari herein and for an extension of time to file briefs in opposition,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Earl Edward Kent,

Petitioner,

610 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl Edward Kent,

Petitioner,

610 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Roy Miller,

Petitioner,

808 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

William Roy Miller,

Petitioner,

808 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this application.

Pat Duggan,

Petitioner,

801 vs.

Joseph O'Grady, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion of Petitioner to substitute Neil Olson, present Warden of the Nebraska State Penitentiary, as the party respondent in the place and stead of Joseph O'Grady, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Pat Duggan,

Petitioner,

801 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pat Duggan,

Petitioner,

801 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this question.

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this motion.

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration and decision of this question.

The United States of America,

Petitioner,

799 vs.

William R. Johnson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

800 vs.

Jack Sommers, James A. Hartigan, John M. Flanagan, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Frank J. Boehm,

Petitioner,

810 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration and decision of this application.

William R. Skidmore,

Petitioner,

813 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

786 vs.

Home Owners' Loan Corporation.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

786 vs.

Home Owners' Loan Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul E. Manheim, as a Committee, and the Chase National Bank of the City of New York, as Trustee,

Petitioners,

806 vs.

Van S. Merle-Smith, et al., J. P. Morgan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Solomon G. Salomon,

Petitioner,

811 vs.

Van S. Merle-Smith, et al., J. P. Morgan, et al., and J. Herbert Case, et al., etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sol Feinberg,

Petitioner,

807 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Christian Corporation,

Petitioner,

812 vs.

Commonwealth of Virginia and the City of Richmond.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Major Raymond Lisenba,

Petitioner,

4 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Major Raymond Lisenba,

Petitioner,

5 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Board of Trade of Kansas City, Mo., et al.,

Appellants,

143 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian W. Fretwell,

Petitioner,

618 vs.

Peoples Service Drug Stores, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

54 vs.

James M. Ragen.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

55 vs.

Arnold W. Kruse; and

The United States of America,

Petitioner,

56 vs.

Lester A. Kruse.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration and decision of this application.

Morton Salt Company,

Petitioner,

49 vs.

The G. S. Suppiger Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Frank Fitzgerald, Trustee, etc.,

Petitioner,

763 vs.

Gulf Refining Company of Louisiana;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

764 vs.

Gulf Refining Company;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

765 vs.

Humble Oil and Refining Company;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

766 vs.

Shell Oil Company, Inc.;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

767 vs.

Freeport Sulphur Company;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

768 vs.

Ernest Cockrell;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

769 vs.

Gulf Refining Company of Louisiana, et al.;

Frank Fitzgerald, Trustee, etc.,

Petitioner,

770 vs.

Ernest Cockrell, His Curator ad hoc, Bruce Nunez, et al.; and

Frank Fitzgerald, Trustee, etc.,

Petitioner,

771 vs.

Ernest Cockrell, Sidney L. Herold, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration and decision of this application.

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Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

875 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

876 vs.

Union Trust Co., et al.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

877 vs.

Israel A. Abrams, et al.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

878 vs.

H. C. Orton, et al., etc.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

879 vs.

Guaranty Trust Co. of New York, et al., etc.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

880 vs.

Chicago, Terre Haute & Southeastern Ry. Co., et al.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

881 vs.

United States Trust Co. of New York, as Trustee, etc.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

882 vs.

Trustees of Princeton University, et al., etc.; and

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

883 vs.

E. Stanley Glines, et al., etc.

ON CONSIDERATION of the motion to extend the time within which to file briefs in opposition to the petition for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to March 4 next.

Per Mr. Chief Justice Stone.

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John P. Dinan and Michael T. Dinan,
Petitioners,
277 vs.
First National Bank - Detroit.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

IT APPEARING to the Court that counsel for the Petitioners have filed a motion to dismiss the writ of certiorari in this case without costs to either party;

THEREFORE, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed without costs to either party; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

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The United States of America,
Petitioner,
238 vs.
State of New York; and

State of New York,
Petitioner,
251 vs.
The United States of America.

Argued by Mr. J. Louis Monarch for the United States and by Mr. William Gerard Ryan for the State of New York.

Alexander MacGregor, Jr., Executor, etc.,
Petitioner,
179 vs.
State Mutual Life Assurance Company of Worcester, Massachusetts.

Argument commenced by Mr. William B. Giles for the Petitioner and continued by Mr. William Marshall Bullitt for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Chas. H. Elston, It is ordered that Paul W. Steer, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Bert. E. Johnson, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Thomas Walsh, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that Frank Goldman, Esquire, of Lowell, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that

Stephen C. Hartel, Esquire, of New Orleans,
State of Louisiana; and

Leopold Stahl, Esquire, of New Orleans,
State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Francis Crosby, It is ordered that Ward Kremer, Esquire, of Asbury Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Morton Stavis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest A. Gross, It is ordered that Michael S. Rehak, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Alexander MacGregor, Jr., Executor, etc.,

Petitioner,

179 vs.

State Mutual Life Assurance Company of Worcester, Massachusetts.

Argument continued by Mr. William Marshall Bullitt for the Respondent and concluded by Mr. William B. Giles for the Petitioner.

National Labor Relations Board,

Petitioner,

188 vs.

Automotive Maintenance Machinery Company.

Argued by Mr. Ernest A. Gross for the Petitioner and by Mr. John Harrington for the Respondent.

Interstate Commerce Commission, et al.,

Appellants,

223 vs.

Railway Labor Executives Association and Brotherhood of Railroad Trainmen.

Argued by Mr. Edward M. Reidy for the Appellant, Interstate Commerce Commission; by Mr. Frank Karr for the Appellant, Pacific Electric Railway Company; and by Mr. Willard H. McEwen for the Appellees.

The People of Puerto Rico,

Petitioner,

95 vs.

Russell & Co., S. en C.

Argument commenced by Mr. William Cattron Rigby for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank R. Kenison, It is ordered that John F. Beamis, Jr., Esquire, of Somersworth, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hayden C. Covington, It is ordered that Alfred A. Albert, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon W. Daisley, It is ordered that Stephen Cerstvik, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Henry A. Middleton, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Telford B. Orbison, Esquire, of New Albany, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry B. Hawes, It is ordered that Jaime Hernandez, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sebastian Ugarte, It is ordered that Ismael Mathay, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The People of Puerto Rico,

Petitioner,

95 vs.

Russell & Co., S. en C.

Argument continued by Mr. William Cattron Rigby for the Petitioner and concluded by Mr. George M. Wolfson for the Respondent.

Cudahy Packing Company of Louisiana, Ltd.,

Petitioner,

245 vs.

Thomas W. Holland, Administrator, etc.

Argued by Mr. Stephen C. Hartel and Mr. Leopold Stahl for the Petitioner and by Mr. Warner W. Gardner for the Respondent.

Thomas W. Holland, Administrator,
etc.,

Petitioner,

529 vs.

Lowell Sun Company.

Argument commenced by Mr. Warner W. Gardner for the Petitioner and continued by Mr. Elisha Hanson for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Reuben B. Resnik, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George I. Haight, It is ordered that William E. Lucas, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred Brunson MacChesney III, It is ordered that Elmo B. Hunter, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Charles William King, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Christopher S. Sargent, It is ordered that David W. Louisell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon S. P. Kleeberg, It is ordered that

Donald Schiff, Esquire, of New York, State of New York; and

Jacob Greenwald, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Thomas W. Holland, Administrator, etc.,

Petitioner,

529 vs.

Lowell Sun Company.

Argument concluded by Mr. Elisha Hanson for the Respondent.

Walter Chaplinsky,

Appellant,

255 vs.

State of New Hampshire.

Argued by Mr. Hayden C. Covington for the Appellant and by Mr. Frank R. Kenison for the Appellee.

Roscoe Jones,

Petitioner,

280 vs.

City of Opelika.

Argued by Mr. Hayden C. Covington for the Petitioner and by

Mr. John W. Guider for the Respondent.

Josephine S. Pearce,

Petitioner,

306 vs.

Commissioner of Internal Revenue.

Argued by Mr. Gordon S. P. Kleeberg for the Petitioner and by Mr. Gordon B. Tweedy for the Respondent.

Martin M. Goldman,

Petitioner,

962 O.T. 1940 vs.

The United States of America;

Jacob P. Shulman,

Petitioner,

963 O.T. 1940 vs.

The United States of America; and

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

Argument commenced by Mr. Osmond K. Fraenkel for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Seymour S. Guthman, It is ordered that Morris A. Haft, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Martin M. Goldman,
Petitioner,
962 O.T. 1940 vs.
The United States of America;

Jacob P. Shulman,
Petitioner,
963 O.T. 1940 vs.
The United States of America; and

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

Argument continued by Mr. Osmond K. Fraenkel for the Petitioners; by Mr. Jacob W. Friedman for the Petitioners in Nos. 962 and 980; by Mr. Solicitor General Fahy for the Respondent; and concluded by Mr. Osmond K. Fraenkel for the Petitioners.

Dr. Maximilian Goldstein, et al.,

Petitioners,

256 vs.

The United States of America.

Argument commenced by Mr. Theodore Kiendl for Petitioner, Maximilian Goldstein; continued by Mr. Osmond K. Fraenkel for Petitioner, Benjamin Schwartz; by Mr. Solicitor General Fahy for the Respondent; by Mr. Theodore Kiendl for Petitioner, Maximilian Goldstein; and concluded by Mr. Osmond K. Fraenkel for Petitioner, Benjamin Schwartz; and case submitted by Petitioners Herman Rubin and Irving Elentuck, pro se.

The People of Puerto Rico,

Petitioner,

96 vs.

Rubert Hermanos, Inc., et al.

Argument commenced by Mr. William Cattron Rigby for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas A. Evans, It is ordered that Larry Creson, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Kovner, It is ordered that Max E. Geline, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence O. McKay, It is ordered that Ernest O. Zirkalos, Esquire, of Lincoln Park, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that George H. Hauerken, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that W. H. Strickland, Esquire, of Lenoir, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Rosco Jones,
Petitioner,
vs.
City of Opelika.

On writ of certiorari to the Supreme Court of the State of Alabama.

280

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Stone.

Lewis Black, Samuel Blumenberg and Harry Dansky, et al.,
Appellants,
vs.
The People of the State of California.

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

868

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 2nd Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

State of Ohio, ex rel. Ellis Thompson,

Appellant,

898 vs.

Industrial Commission of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Ex parte Robert G. Errington,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Henry Long,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil E. Hayes,

Petitioner,

754 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil E. Hayes, Petitioner, 754 vs. The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Benchick Kostecka,

Petitioner,

817 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Benchick Kostecka,

Petitioner,

817 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Live Stock National Bank of Chicago, Administrator of the Estate of Joseph Zoke, Deceased,

Petitioner,

818 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Live Stock National Bank of Chicago, Administrator of the Estate of Joseph Zoke, Deceased,

Petitioner,

818 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Mark,

Petitioner,

869 vs.

The Warden of the Attica State Prison, Attica, N. Y.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph Mark,

Petitioner,

869 vs.

The Warden of the Attica State Prison, Attica, N. Y.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mitchell Clifton Anderson, et al.,

Petitioners,

852 vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 11, next.

Per Mr. Chief Justice Stone.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

875 vs.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

876 vs.

Union Trust Co., et al.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

877 vs.

Israel A. Abrams, et al.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

878

H. C. Orton, et al., etc.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

879 vs.

Guaranty Trust Co. of New York, et al., etc.;

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

880 vs.

Chicago, Terre Haute & Southeastern Ry. Co., et al.;

Group of Institutional Investors and
Mutual Savings Bank Group,

Petitioners,

881 vs.

United States Trust Co. of New York,
as Trustee, etc.;

Group of Institutional Investors and
Mutual Savings Bank Group,

Petitioners,

882 vs.

Trustees of Princeton University, et
al., etc.; and

Group of Institutional Investors and
Mutual Savings Bank Group,

Petitioners,

883 vs.

E. Stanley Glines, et al., etc.

ON CONSIDERATION of the motion to extend the time within which to file briefs in opposition to the petition for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 24, next.

Per Mr. Chief Justice Stone.

Faitoute Iron & Steel Company,
The Howard Savings Institution,
et al.,

Appellants,

896 vs.

City of Asbury Park, a Municipal
Corporation of the State of New
Jersey.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone:

Mr. Justice Douglas took no part in the consideration or decision of this question.

The Sioux Tribe of Indians,

Petitioner,

798 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Federal Trade Commission,

Petitioner,

826 vs.

Raladam Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Susan G. Reeves,

Petitioner,

841 vs.

William Beardall, as Executor of the Last Will and Testament of Susan J. Graham, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mascot Stove Company,
Petitioner,
564 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
644 vs.
Cement Investors, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
645 vs.
James Q. Newton Trust.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

646 vs.

James Q. Newton, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

780 vs.

New Haven and Shore Line Railway Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Herbert, Trustee,

Petitioner,

828 vs.

William F. Sullivan, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Erminio Morante,

Petitioner,

831 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court, Westchester County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court, Westchester County, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. E. Stevens and McKay Stevens,

Petitioners,

833 vs.

Sinclair Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George T. Goggin, as Trustee in Bankruptcy of the Estate of Acme Traffic Signal Company,

Petitioner,

838 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ray Polito,

Petitioner,

839 vs.

William Molasky and Dorothy Molasky, Merchants Motor Freight, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles M. Thomson, Trustee of the Chicago and North Western Railway Company,

Petitioner,

840 vs.

William F. Boles.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Indianapolis Power & Light Company,

Petitioner,

851 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Simon Durlacher,
Petitioner,
857 vs.
Helen S. Durlacher.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank D. Klimkiewicz,
Petitioner,
859 vs.
The Westminister Deposit and Trust Company, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hartford Accident and Indemnity Company,
Petitioner,
864 vs.
City of Sulphur, Oklahoma.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. D. Haden Company,

Petitioner,

865 vs.

The Mathieson Alkali Works, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norton I. Kretske,

Petitioner,

31 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

O R D E R.

The Court will take a recess from Monday, February 16, next, until Monday, March 2, next.

Per Mr. Chief Justice Stone.

The People of Puerto Rico,

Petitioner,

96 vs.

Rubert Hermanos, Inc., et al.

Argument continued by Mr. William Cattron Rigby for the Petitioner and concluded by Mr. Henri Brown for the Respondent.

Southern Steamship Company,

Petitioner,

320 vs.

National Labor Relations Board, et al.

Argument commenced by Mr. Joseph W. Henderson for the Petitioner and continued by Mr. Robert B. Watts for the Respondent, National Labor Relations Board, and by Mr. William L. Standard for the Respondent, National Maritime Union of America.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 10, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clarence W. Miles, It is ordered that Joseph Sherbow, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Doyle, It is ordered that Leo Mann, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that John Henry Williams, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin D. Dickinson, It is ordered that Valentine Brookes, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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David P. Lavietes,

Petitioner,

858 vs.

Ferro Stamping and Manufacturing Company, et al.

ON CONSIDERATION of the motion to extend the time within which to file brief for the Respondents in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 2, next.

Per Mr. Chief Justice Stone.

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Southern Steamship Company,

Petitioner,

320 vs.

National Labor Relations Board, et al.

Argument continued by Mr. William L. Standard for the Respondent, National Maritime Union of America, and concluded by Mr. Joseph W. Henderson for the Petitioner.

Mrs. Jesse Miles, et al.,

Petitioners,

272 vs.

Illinois Central Railroad Company.

Argued by Mr. W. G. Cavett for the Petitioners and by Mr. Thomas A. Evans and Mr. Larry Creson for the Respondent.

Stonite Products Company,

Petitioner,

321 vs.

The Melvin Lloyd Company, et al.

Argued by Mr. A. D. Caesar and Mr. Charles W. Revise for the Petitioner and by Mr. Isaac J. Silin for the Respondent.

Federal Power Commission and Illinois Commerce Commission,

Petitioners,

265 vs.

Natural Gas Pipeline Company of America, et al.; and

Natural Gas Pipeline Company of America, et al.,

Petitioners,

268 vs.

Federal Power Commission and Illinois Commerce Commission.

Argument commenced by Mr. George I. Haight for the Natural Gas Pipeline Company of America, et al., and continued by Mr. Richard H. Demuth for the Federal Power Commission.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, FEBRUARY 11, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Elliott W. Finkel, Esquire, of Pittsburgh, State of Pennsylvania;

John S. Dawson, Esquire, of Boston, State of Massachusetts; and

Theodore G. Remer, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Donald C. Little, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that John James Ziska, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Wallance, It is ordered that Ephraim Martin, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Becker, It is ordered that Morris H. Kaufman, Esquire, of Atchison, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis J. Altkrug, It is ordered that Harold Weiss, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace L. Lohnes, It is ordered that Frederick R. Bolton, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence W. Miles, It is ordered that

William Bernard Rafferty, Esquire, of Baltimore, State of Maryland; and

Benjamin C. Howard, Esquire, of Baltimore, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest H. Oliver, It is ordered that John R. Norris, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Power Commission and Illinois Commerce Commission,

Petitioners,

265 vs.

Natural Gas Pipeline Company of America, et al.; and

Natural Gas Pipeline Company of America, et al.,

Petitioners,

268 vs.

Federal Power Commission and Illinois Commerce Commission.

Argument continued by Mr. Richard H. Demuth and Mr. Solicitor General Fahy for the Federal Power Commission; by Mr. Albert E. Hallett for Illinois Commerce Commission, and concluded by Mr. S. A. L. Morgan for Natural Gas Pipeline Company of America, et al.

Steuart Purcell, et al., Constituting The Public Service Commission of Maryland, et al.,

Appellants,

803 vs.

The United States of America, et al.

Argument commenced by Mr. Clarence W. Miles for the Appellants; continued by Mr. James C. Wilson for the Appellees, The United States and Interstate Commerce Commission; by Mr. C. M. Clay for the Appellees, The Confluence and Oakland Railroad Company, et al.; and concluded by Mr. Joseph Sherbow for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel E. Darby, Jr., It is ordered that

Chas. W. Rummler, Esquire, of Chicago, State of Illinois; and

Lowell C. Noyes, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Burns, It is ordered that

Harry Dexter Peck, Esquire, of Sharon, State of Massachusetts; and

Melvin R. Jenney, Esquire, of Boston, State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix S. Cohen, It is ordered that Henry Cohen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Hammett, Jr., It is ordered that Thomas J. Ryan, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Charles, It is ordered that

Anthony L. Montaquila, Esquire, of Providence, State of Rhode Island;

G. Warren Stilson, Esquire, of Washington, District of Columbia;

Calvin W. Derrenger, Esquire, of Washington, District of Columbia; and

J. Louis Bixler, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Russell Bishop, It is ordered that John Hubbard Joss, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard S. LeRoy, It is ordered that Milton S. Briggs, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Butler Brothers,

Appellant,

283 vs.

Charles J. McColgan, as Franchise Tax Commissioner of the State of California.

Argued by Mr. Leland K. Neeves for the Appellant and by Mr. Valentine Brookes for the Respondent.

Muncie Gear Works, Inc., et al.,

Petitioners,

323 vs.

Outboard, Marine & Manufacturing Company, et al.

Argued by Mr. Samuel E. Darby, Jr., for the Petitioners and by Mr. Henry M. Huxley for the Respondent.

Frederick Rodiek, Ancillary Executor, etc.,

Petitioner,

325 vs.

The United States of America, et al.

Argument commenced by Mr. Sherwood E. Silliman for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 13, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that William H. Merner, Esquire, of Cedar Falls, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Silas Coma Garrett, III, Esquire, of Grove Hill, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leopold V. Freudberg, It is ordered that

Arthur E. Friedland, Esquire, of New York, State of New York; and

Samuel Silverman, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald C. Beelar, It is ordered that Theodore R. Gillenwaters, Esquire, of Los Angeles,

State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Granville Munson, It is ordered that Frank Joseph Gollings, Esquire, of Decatur, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Conradis, It is ordered that

Jonathan Bertolet Hillegass, Esquire, of Norristown, State of Pennsylvania; and

William Joseph Moran, Jr., Esquire, of Norristown, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Roberts, It is ordered that Edgar Turlington, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Frederick Rodiek, Ancillary Executor, etc.,

Petitioner,

325 vs.

The United States of America, et al.

Argument continued by Mr. Sherwood E. Silliman for the Petitioner; by Mr. Assistant Attorney General Shea for the Respondents and concluded by Mr. Sherwood E. Silliman for the Petitioner.

The Williams Manufacturing Company,

Petitioner,

332 vs.

United Shoe Machinery Corporation.

Argued by Mr. H. A. Toulmin, Jr., for the Petitioner and by Mr. Harrison F. Lyman for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Marvin J. Coles, Esquire, of New York,
State of New York; and

Sol H. Shapiro, Esquire, of Malden,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that

Joseph Chandler Burton, Esquire, of Birmingham,
State of Alabama;

Claude Bayles Mickelwait, Esquire, of San Francisco,
State of California; and

Franklin Riter, Esquire, of Salt Lake City,
State of Utah;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley E. Disney, It is ordered that Fergus Belanger, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Daniel M. Schuyler, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Worischek, It is ordered that

Paul W. Rion, Esquire, of Dayton,
State of Ohio; and

Robert A. Shapiro, Esquire, of Dayton,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar A. Provost, It is ordered that Harold M. Platt, Esquire, of Southampton, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. White, It is ordered that William C. Shipley, Esquire, of Albuquerque, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that E. Greig Scott, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Jacobson, It is ordered that Allen L. Gray, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. Thomas Dunlop, It is ordered that Frederick J. Moses, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Julian Riley and Hughes Spalding, Executors of the Estate of Julia M. Hungerford, Deceased,

Petitioners,

81 vs.

The New York Trust Company, Administrator C. T. A. of the Estate of Julia M. Hungerford, Deceased, et al.

On writ of certiorari to the Supreme Court of the State of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Delaware, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Concurring opinion by Mr. Chief Justice Stone in which Mr. Justice Frankfurter and Mr. Justice Jackson join.

The United States of America,

Petitioner,

8 vs.

Bethlehem Steel Corporation, Bethlehem Shipbuilding Corporation, Ltd., Bethlehem Steel Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson took no part in the decision of this case.

Concurring opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter.

Separate opinion by Mr. Justice Douglas for reversal of the judgment below.

United States Shipping Board Merchant Fleet Corporation,

Petitioner,

9 vs.

Bethlehem Shipbuilding Corporation, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Roberts, and Mr. Justice Jackson took no part in the decision of this case.

Concurring opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter.

Separate opinion by Mr. Justice Douglas for reversal of the judgment below.

Clarence A. Stewart, Administrator of the Estate of John R. Stewart, Deceased,

Petitioner,

161 vs.

Southern Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed, Mr. Justice Douglas, and Mr. Justice Murphy join.

Alexander MacGregor, Jr., Executor of the Estate of Alexander MacGregor, Deceased,

Petitioner,

179 vs.

State Mutual Life Assurance Company of Worcester, Massachusetts.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

188 vs.

Automotive Maintenance Machinery Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enforce the Board's order in full, but with the modification proposed by the Board to conform to the decision in Republic Steel Corp. vs. Labor Board, 311 U.S. 7.

Per Mr. Chief Justice Stone.

The Chief Justice and Mr. Justice Roberts are of opinion that the order as modified should be enforced except with respect to the alleged discriminatory discharges of Warner, Jr., and Jordan, which they think are without the support of substantial evidence.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The Citizens National Bank of Kirksville, Missouri,

Petitioner,

907 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion to extend the time within which counsel for Respondent may file brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 19, 1942.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Louis Mainieri, Alias Louis Grubbe, Alias Louis Caputo,

Petitioner,

860 vs.

People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Louis Mainieri, Alias Louis Grubbe, Alias Louis Caputo,

Petitioner,

860 vs.

People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Stanley Smith,

Petitioner,

888 vs.

William Hunt, as Warden of Attica State Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Stanley Smith,

Petitioner,

888 vs.

William Hunt, as Warden of Attica State Prison, Attica, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary W. Stewart, et al.,
Petitioners,

848 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Seminole Nation,
Petitioner,

830 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is assigned for argument immediately following No. 348.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Smith Betts,
Petitioner,

837 vs.

Patrick J. Brady, Warden of the Penitentiary of Maryland.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Honorable Carroll T. Bond, a Judge of the State of Maryland, being a judge of the Court of Appeals of Maryland from the City of Baltimore, is granted.

Counsel are requested on the argument of this case to discuss the jurisdiction of this Court, particularly (1) whether the decision below

is that of a court within the meaning of Section 237 of the Judicial Code, and (2) whether state remedies, either by appeal or by application to other judges or any other state court, have been exhausted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Overnight Motor Transportation Company, Inc.,

Petitioner,

939 vs.

William H. Missel.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is assigned for argument immediately following No. 622.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Overnight Motor Transportation Company, Inc.,

Petitioner,

939 vs.

William H. Missel.

ON CONSIDERATION of the motion of Respondent for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Pennsylvania Water & Power Company,

Petitioner,

862 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Frankfurter took no part in the consideration or decision of this application.

Thomas D. Aiken, Tillie Davenport, Lillian H. Essig, et al.,

Petitioners,

821 vs.

Samuel Insull, Jr., Philip J. McEnroe, John P. Gilchrist, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

DeMet's, Incorporated, and Robert E. Wood,

Petitioners,

822 vs.

Samuel Insull, Jr., C. W. Sills, H. L. Stuart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Insull, Jr., et al., Petitioners,
823 vs.
Thomas D. Aiken, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Insull, Jr., et al., Petitioners,
824 vs.
DeMet's, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stanley Field, Petitioner,
827 vs.
DeMet's, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbur E. Dow,

Petitioner,

834 vs.

Harold L. Ickes, Secretary of the Interior and Henry L. Stimson, Secretary of War.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert P. Shick,

Petitioner,

853 vs.

William A. Goodman, Trustee of Harry M. Allbright, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United Services Automobile Association,

Petitioner,

861 vs.

Katherine Harman, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Herzog and Emanuel Herzog, Individually and as Co-partners, Trading as Columbia Pickle Works, Bankrupts,

Petitioners,

867 vs.

Jack Dorman, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George D. Templeton, on Behalf of George Douglas Templeton, Jr.,

Appellant,

710 vs.

State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred E. Roth,

Petitioner,

32 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Southport Petroleum Company,

Petitioner,

67 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

J. L. Stewart,

Petitioner,

756 vs.

T. W. Davidson, Judge, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Sallie Essary, Executrix, etc.,

Petitioner,

792 vs.

Frank O. Lowden, et al., Trustees, etc., et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Sallie Essary, Executrix, etc.,

Petitioner,

792 vs.

Frank O. Lowden, et al., Trustees, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

William R. Skidmore,

Petitioner,

813 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

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The United States of America,

Petitioner,

738 vs.

Elizabeth Kerr, Administratrix of the Estate of Joseph Kelly Kerr, Deceased.

Motion to substitute party respondent submitted by Mr. Solicitor General Fahy.

The United States of America,

Petitioner,

738 vs.

Elizabeth Kerr, Administratrix of the Estate of Joseph Kelly Kerr, Deceased.

The death of Elizabeth Kerr and the appointment and qualification of Citizens Loan & Trust Company as administrator de bonis non of the estate of Joseph Kelly Kerr, having been suggested,

It is on joint motion ordered by this Court that the said Citizens Loan & Trust Company, administrator de bonis non, etc., be substituted as the party respondent in this case in the place and stead of Elizabeth Kerr, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Motion for leave to file brief of American Jewish Committee, the B'nai B'rith, the Jewish Labor Committee and the American Jewish Congress, as amicus curaie, submitted by Mr. Henry H. Nordlinger in that behalf.

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Proclamation being made the Court is adjourned until Monday, March 2, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Robert E. Mitchell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Henry Peyton Kucera, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Chas. C. Wine, Esquire, of Texarkana, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Paul Washington Crutchfield, Esquire, of Decatur, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Harris, It is ordered that Eugene Cotton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Schwertner, It is ordered that Sidney S. Hein, Esquire, of Far Rockaway, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that

Jonathan H. Lookadoo, Esquire, of Arkadelphia, State of Arkansas; and

Wm. J. Kirby, Esquire, of Little Rock, State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hale Houts, It is ordered that Irl B. Rosenblum, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howell Leuck, It is ordered that Bingham W. Zellmer, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilfred Hearn, It is ordered that Florence E. Coughlin, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that Nathan J. Pelsenberg, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Guimond, It is ordered that John J. Carmody, Esquire, of Painesville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob S. Guthman, It is ordered that Ira L. Shapiro, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. L. Yost, It is ordered that Max M. Batzer, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that George Alexander Koplow, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Emil Schlesinger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Mizelle, It is ordered that John F. X. Finn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

238 vs.

State of New York.

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State of New York,

Petitioner,

251 vs.

The United States of America.

On writ and cross writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with respect to the claim under Title VIII of the Social Security Act, but is otherwise affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York to permit the reinstatement of the judgment of that court.

Per Mr. Justice Byrnes.

The United States of America,

Petitioner,

131 vs.

Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.

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Local 807 of International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.,

Petitioners,

132 vs.

The United States of America.

On writ and cross writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Byrnes.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this cause.

Dissenting opinion by Mr. Chief Justice Stone.

D'Oench, Duhme & Co., Inc., Petitioner, vs. Federal Deposit Insurance Corporation. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

206

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri.

Per Mr. Justice Douglas.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Opinion by Mr. Justice Frankfurter concurring in the result in which the Chief Justice joins.

Concurring opinion by Mr. Justice Jackson.

The United States of America and Interstate Commerce Commission,

Appellants,

197 vs.

Carolina Freight Carriers Corporation.

Appeal from the District Court of the United States for the Western District of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins.

Howard Hall Company, Inc.,

Appellant,

210 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to remand to the Interstate Commerce Commission so that the basic or essential findings required under the rule of Florida v. United States, 282 U.S. 194, 215, may be made.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Frankfurter and Mr. Justice Jackson.

Butler Brothers,

Appellant,

283 vs.

Charles J. McColgan, as Franchise Tax Commissioner of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Clyde Hysler,

Petitioner,

64 vs.

The State of Florida.

On writ of certiorari to the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Hotel & Restaurant Employee's International Alliance, Local No. 122, et al.,

Petitioners,

124 vs.

Wisconsin Employment Relations Board, et al.

On writ of certiorari to the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this

Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Charles M. Thomson, Trustee for Property of Chicago & Northwestern Railway Company, et al.,

Petitioners,

139 vs.

Barney E. Gaskill, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nebraska without prejudice to an application for leave to amend the bill of complaint.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or decision of this case.

C. L. Williams, Individually and as Duly Appointed and Authorized Agent and Representative of Herbert Aiken, et al.,

Petitioners,

112 vs.

Jacksonville Terminal Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of

Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

A. J. Pickett, General Chairman of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, etc.,

Petitioner,

1023 O.T. 1940 vs.

The Union Terminal Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Interstate Commerce Commission, and The Pacific Electric Railway Company,

Appellants,

223 vs.

Railway Labor Executives Association and Brotherhood of Railroad Trainmen.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Steuart Purcell, Edmund H. Budnitz and Arthur H. Brice, Constituting the Public Service Commission of Maryland, et al.,

Appellants,

803 vs.

The United States of America, The Confluence and Oakland Railroad Company, et al.

Appeal from the District Court of the United States for the District of Maryland.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Cudahy Packing Company of Louisiana, Ltd.,

Petitioner,

245 vs.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record

from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Byrnes and Mr. Justice Jackson join.

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The Chief Justice announced the following orders of the Court:

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Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased,

Petitioner,

325 vs.

The United States of America, Francis Biddle, as Attorney General of the United States of America, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York,

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Thomas W. Holland, Administrator, Wage and Hour Division, United States Department of Labor,

Petitioner,

529 vs.

Lowell Sun Company.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Martin J. Bernards and Lena Bernards,

Petitioners,

2 vs.

M. R. Johnson, Catherine Collins, et al.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

ON CONSIDERATION of the motion for leave to file brief of the American Jewish Committee, the B'nai B'rith, the Jewish Labor Committee, and the American Jewish Congress as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America, ex rel. Boyd L. Kithcart,

Petitioner,

789 vs.

Hon. A. K. Gardner, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Boyd L. Kithcart,

Petitioner,

789 vs.

Hon. A. K. Gardner, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jennie Summers,

Petitioner,

809 vs.

Paul Rice and Mabel Rice.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jennie Summers,

Petitioner,

809 vs.

Paul Rice and Mabel Rice.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ted Rogoway,

Petitioner,

884 vs.

The Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ted Rogoway,

Petitioner,

884 vs.

The Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. C. Welch,

Petitioner,

891 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. C. Welch,

Petitioner,

891 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John M. Minnec,

Petitioner,

890 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John M. Minnec,

Petitioner,

890 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas J. Adams,

Petitioner,

909 vs.

The State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas J. Adams,

Petitioner,

909 vs.

The State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Brady and Lucinda Watashe,

Petitioners,

829 vs.

Annie Beams, Melviney Barnett Ditzler, The Estate of Nellie Barnett, Deceased, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Brady and Lucinda Watashe,

Petitioners,

829 vs.

Annie Beams, Melviney Barnett Ditzler, The Estate of Nellie Barnett, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe H. Tiger, et al.,

Petitioners,

846 vs.

Annie Beams, et al.

ON CONSIDERATION of the motion to consider the petition for certiorari on a typewritten record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joe H. Tiger, et al., — On petition for writ of certiorari

Petitioners, — to the United States Circuit Court

846 vs. — of Appeals for the Tenth Circuit.

Annie Beams, et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Barnett, Pelo Deere,
Annie Burgess, et al.,

Petitioners,

847 vs.

Susie Connor, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Barnett, Pelo Deere, Annie Burgess, et al.,

Petitioners,

847 vs.

Susie Connor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bennie Barnett Scott,

Petitioner,

850 vs.

Annie Beams, Melviney Barnett Ditzler, The Estate of Nellie Barnett, Deceased, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bennie Barnett Scott,

Petitioner,

850 vs.

Annie Beams, Melviney Barnett Ditzler, The Estate of Nellie Barnett, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rosa Allen, et al.,

Petitioners,

906 vs.

Annie Beams, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rosa Allen, et al., On petition for writ of certiorari

Petitioners, to the United States Circuit Court

906 vs. of Appeals for the Tenth Circuit.

Annie Beams, et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Weber,

Petitioner,

912 vs.

P. J. Squier, Warden, U. S. Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Weber,

Petitioner,

912 vs.

P. J. Squier, Warden, U. S. Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that the cause is moot, it appearing that petitioner has been released upon order of the United States Board of Parole and that he is no longer in the respondent's custody.

Per Mr. Chief Justice Stone.

Northern Pacific Railway Company and Great Northern Railway Company,

Appellants,

927 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

State of Georgia,

Petitioner,

872 vs.

Hiram W. Evans, John W. Greer, Jr., American Bitumuls Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. B. Kirschbaum Company,

Petitioner,

910 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

845 vs.

Consumers Paper Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Arsenal Building Corporation and Spear & Co., Inc.,

Petitioners,

924 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. M. Landman, Superintendent of the Five Civilized Tribes, for Estate of Jeanetta Burgess, etc.,

Petitioner,

904 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

894 vs.

R. A. Sprouse.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy are of opinion that the petition for writ of certiorari should be granted.

Emiliano Benavides,

Petitioner,

843 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. T. Stewart, Trustee of the Estate of W. F. Livingston, Bankrupt, et al.,

Petitioners,

854 vs.

J. P. Dyar.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

I. B. Melville and H. G. Day, as Trustees of District Landowners Trust, et al.,

Petitioners,

863 vs.

Arthur Weybrew, Elmer L. Ouderkirk, Marjorie Davis, et al.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. L. Skaggs,

Petitioner,

866 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Bernstein,

Petitioner,

870 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Philip W. Pelts,

Petitioner,

871 vs.

Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Affiliated Enterprises, Inc.,

Petitioner,

873 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chester Chianese,
Petitioner,
874 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United Block Company, Inc.,
Petitioner,
886 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazeltine Corporation,
Petitioner,
892 vs.
The Crosley Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States Gypsum Company,

Petitioner,

893 vs.

Dominic Galeota.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association of St. Louis,

Petitioner,

897 vs.

Alice Benner, Administratrix of the Estate of William H. Benner, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry C. Barker,

Petitioner,

902 vs.

Morris J. Levin, Trustee in Bankruptcy of Harold J. Kattelman, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacob Novick,

Petitioner,

849 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lois G. Larson, Also Known as L. G. Larson, Doing Business as L. G. Larson Drilling Company,

Petitioner,

889 vs.

Jack Lane, Trustee in Bankruptcy of the Estate of Lois G. Larson, etc., Bankrupt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Puget Sound Power & Light Company and Old Colony Trust Company,

Petitioners,

895 vs.

Public Utility District No. 1 of Whatcom County, a Municipal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Perry L. Davis and Claude C. Bledsoe,

Petitioners,

899 vs.

The State of Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Pitts,

Petitioner,

901 vs.

Fred G. Drummond.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Keystone Automobile Club Casualty Company and Keystone Automobile Club Fire Company,

Petitioners,

905 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New York & Long Branch Railroad Company,

Petitioner,

908 vs.

Thomas M. Fury.

On petition for writ of certiorari to the Monmouth County Court of Common Pleas, State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Monmouth County Court of Common Pleas, State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Lois McIntosh,

Petitioner,

915 vs.

Ella L. Wiggins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eugene Tuttle, et al.,

Petitioners,

916 vs.

James C. Bell, County Treasurer and ex-officio County Collector of Will County, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Exhibit Supply Company,

Petitioner,

154 vs.

Ace Patents Corporation;

Genco, Inc.,

Petitioner,

155 vs.

Ace Patents Corporation; and

Chicago Coin Machine Company,

Petitioner,

156 vs.

Ace Patents Corporation.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Herbert N. DeWolfe,

Complainant,

—, Original vs.

The State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert G. Errington,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lewis Black, Samuel Blumenberg, et al.,

Appellants,

868 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank J. Boehm,

Petitioner,

810 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Jackson took no part in the consideration or decision of this application.

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The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Motion for leave to file brief of American Civil Liberties Union as amicus curiae submitted by Mr. Sol M. Alpher, in that behalf.

Hartford Fire Insurance Company,

Petitioner,

945 vs.

Martin Leithauser, as Administrator, etc.

ON CONSIDERATION of the motion to extend the time within which to file brief for the Respondent in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 26, next.

Per Mr. Chief Justice Stone.

Udox H. Hankins, Receiver, etc.,

Petitioner,

983 vs.

The United States of America.

Motion for extension of time within which to make service under Rule 38, paragraph 3, submitted by Mr. Frank J. Looney for the Petitioner.

Udox H. Hankins, Receiver, etc.,

Petitioner,

983 vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to make service under the provisions of Rule 38, paragraph 3,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 30, next.

Per Mr. Chief Justice Stone.

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Allen-Bradley Local No. 1111, United Electrical, Radio, and Machine Workers of America, et al.,

Appellants,

252 vs.

Wisconsin Employment Relations Board and Allen-Bradley Company.

Argument commenced by Mr. Max E. Geline for the Appellants; continued by Mr. N. S. Boardman and Mr. Leo Mann for the Appellees; and concluded by Mr. Eugene Cotton for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Jack Comer, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel Campbell Bryan, It is ordered that Bentley M. McMullin, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Eliot, It is ordered that Joseph Warren, Jr., Esquire, of Brookline, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Abramson, It is ordered that Herman W. Klausner, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Harry E. Boo, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abner E. Lipscomb, It is ordered that Francis Goodall McDonald, Esquire, of Hillsboro, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Charles, It is ordered that Daniel J. Schrull, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan R. Margold, It is ordered that Robert E. Friedman, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Ninian Beall, It is ordered that Roland Rice, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Donald Kistler, It is ordered that Floyd Edward Hoffmann, Esquire, of San Mateo, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde B. Aitchison, Jr., It is ordered that Harold W. Schweitzer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Wechsler, It is ordered that Wm. L. Greenbaum, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Scripps-Howard Radio, Inc.,

508 vs. (Certificate)

Federal Communications Commission.

Argued by Mr. Paul M. Segal for Scripps-Howard Radio, Inc., and by Mr. Thomas E. Harris for the Federal Communications Commission.

Sampson Tulee,

Appellant,

318 vs.

State of Washington.

Argued by Mr. Nathan R. Margold for the Appellant and by Mr. T. H. Little for the Appellee.

Lester A. Crancer, et al., Co-partners, etc., et al.,

Petitioners,

505 vs.

Frank O. Lowden, et al., Trustees, etc.

Argument commenced by Mr. Irl B. Rosenblum for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MARCH 4, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Herbert Wechsler, It is ordered that Jesse R. Fillman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis S. Pope, It is ordered that Whitworth Stokes, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William T. Thurman, It is ordered that William F. Pratcher, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lester A. Crancer, et al., Co-partners, etc., et al.,

Petitioners,

505 vs.

Frank O. Lowden, et al., Trustees, etc.

Argument continued by Mr. Irl B. Rosenblum for the Petitioners; by Mr. Hale Houts for the Respondents; and concluded by Mr. Irl B. Rosenblum for the Petitioners.

Blake Centers,

Petitioner,

532 vs.

Joseph W. Sanford, Warden, etc.

Argued by Mr. Paul Crutchfield for the Petitioner and by Mr. Herbert Wechsler for the Respondent.

Gregg Cartage & Storage Company, et al.,

Appellants,

535 vs.

The United States of America, et al.

Argued by Mr. Howell Leuck and Mr. H. Russell Bishop for the Appellants and by Mr. James C. Wilson for the Appellees.

Adolph B. Spreckels,

Petitioner,

581 vs.

Commissioner of Internal Revenue; and

Adolph B. Spreckels,

Petitioner,

582 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Walter Slack for the Petitioner and continued by Mr. Thomas M. Wilkins for the Petitioner and by Mr. Arnold Raum for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George Rosier, It is ordered that

Morris L. Forer, Esquire, of Trenton, State of New Jersey; and

Wilbur A. Osterling, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clinton Robb, It is ordered that Frederic Wingersky, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lambert McAllister, It is ordered that Charles V. Shannon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Malloy, It is ordered that H. D. Addison, Esquire, of Wayne, State of Nebraska,

be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rosco Jones,

Petitioner,

280 vs.

City of Opelika.

Motion for extension of time within which to file petition for rehearing and for stay of issuance of mandate submitted by Mr. Hayden C. Covington for the Petitioner.

Rosco Jones,

Petitioner,

280 vs.

City of Opelika.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including April 20, next.

AND IT IS FURTHER ORDERED that the mandate in this case be, and the same is hereby, stayed.

Per Mr. Chief Justice Stone.

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Adolph B. Spreckels,

Petitioner,

581 vs.

Commissioner of Internal Revenue; and

Adolph B. Spreckels,

Petitioner,

582 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Arnold Raum for the Respondent and concluded by Mr. Walter Slack for the Petitioner.

National Labor Relations Board,

Petitioner,

588 vs.

Electric Vacuum Cleaner Company, Inc., et al.

Argued by Mr. Robert B. Watts for the Petitioner; by Mr. Lawrence C. Spieth for the Respondent, Electric Vacuum Cleaner Co., Inc.; and by Mr. Herbert S. Thatcher for the Respondent, International Molders' Union of North America, Local 430, et al.

The United States of America,

Appellant,

558 vs.

Dennis Malphurs, et al.

Argument commenced by Mr. Herbert Wechsler for the Appellant and continued by Mr. John L. Graham for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 6, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Albert Sidney Johnston, Jr., Esquire, of Biloxi, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott W. Lucas, It is ordered that Arthur Frankel, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marcus Borchardt, It is ordered tha t

Hilda Marie Gowen, of Washington, (Mrs.) District of Columbia; and

Thomas F. Gowen, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harrison B. McCawley, It is ordered that Leo Brady, Esquire, of New York, State of New

York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roscoe Rizley, It is ordered that William G. Stigler, Esquire, of Stigler, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott D. Kellogg, It is ordered that James K. Smith, Esquire, of Commerce, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Matthews, Jr., It is ordered that Irwin L. Tappen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that Max Goldenthal, Esquire, of West Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that Herman Seid, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that George L. Griffin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

558 vs.

Dennis Malphurs, et al.

Argument concluded by Mr. Francis P. Whitehair for the Appellees.

William Jacob,

Petitioner,

589 vs.

The City of New York.

Argued by Mr. Dominick Blasi for the Petitioner and by Mr. Alfred T. White for the Respondent.

Memphis Natural Gas Company,

Appellant,

499 vs.

Roy H. Beeler, Attorney General of the State of Tennessee, et al.

Argued by Mr. Walter P. Armstrong for the Appellant and by Mr. Whitworth Stokes and Mr. Lewis S. Pope for the Appellees.

Swift and Company, et al.,

Appellants,

595 vs.

The United States of America, et al.

Argument commenced by Mr. Ross Dean Rynder for Appellants, Swift and Company, et al.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that J. Howard Marshall, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that Robert L. Hyder, Esquire, of West Plains, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that

Byron Clayton, Esquire, of West Orange, State of New Jersey; and

Christian H. Bonnin, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Taylor Fenwick, It is ordered that

Charles P. Dickinson, Esquire, of Orlando,
State of Florida; and

Edward D. Lucas, Esquire, of Petersburg,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Garfield O. Anderson, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that John E. Lawyer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Lee Boatwright, Jr., It is ordered that

Francis S. Appleby, Esquire, of New York,
State of New York; and

John B. Coman, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Weiss, It is ordered that Charles S. Cutler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Stonite Products Company, Petitioner,

321 vs.

The Melvin Lloyd Company, and J. A. Zurn Mfg. Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Walter Chaplinsky, Appellant,

255 vs.

State of New Hampshire.

Appeal from the Supreme Court of the State of New Hampshire.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Hampshire, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Murphy.

Josephine S. Pearce, Petitioner,

306 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice joins.

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The Chief Justice announced the following orders of the Court:

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Clarence A. Stewart, Administrator of the Estate of John R. Stewart, Deceased,

Petitioner,

vs.

Southern Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

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Upon petition for rehearing, it appearing that the case has been settled, It is ordered by this Court that the petition be, and the same is hereby, granted and that the judgment of this Court entered February 16, 1942, be, and the same is hereby, vacated.

IT IS FURTHER ORDERED and Adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri with directions to dismiss the suit as moot.

Per Mr. Chief Justice Stone.

Blake Centers,

Petitioner,

532 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

Upon consent of the Government, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia with permission to both parties to reopen the case for the purpose of taking further evidence with respect to all issues in the case, and for findings on those issues, including whether petitioner consulted with appointed counsel, whether such counsel appeared in court with him, or whether he waived such consultation or appearance, and whether he understood the charge to which he pleaded guilty.

Per Mr. Chief Justice Stone.

The Cudahy Packing Company,

Petitioner,

805 vs.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this application.

The Cudahy Packing Company,

Petitioner,

805 vs.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed on the authority of Cudahy Packing Co. of La. vs. Holland, No. 245, decided March 2, 1942; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Theresa McSweeney,

Appellant,

967 vs.

Equitable Trust Company.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment was based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Daniel P. Doyle,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ralph W. Fleeman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

ON CONSIDERATION of the motion for leave to file brief of the American Civil Liberties Union as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 vs.

Railway Express Agency, Inc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

Order allowing certiorari.

903 vs.

Railway Express Agency, Inc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

American Chicle Company,

Petitioner,

Order allowing certiorari.

913 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

644 vs.

Cement Investors, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

645 vs.

James Q. Newton Trust.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

646 vs.

James Q. Newton, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. A. Zachariassen & Co.,

Petitioner,

835 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

John E. Sheridan and Leo A. Crossen, Trustees, Mifflin Chemical Corporation, etc.,

Petitioners,

900 vs.

Walter J. Rothensies, Collector of Internal Revenue, First Collection District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Black Diamond Lines, Inc.,

Petitioner,

921 vs.

United States Navigation Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Black Diamond Lines, Inc.,

Petitioner,

922 vs.

United States Navigation Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Inter-Ocean Casualty Company,

Petitioner,

944 vs.

Bessie Brockman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bull Steamship Lines, Inc.,

Petitioner,

911 vs.

Guy A. Thompson, Trustee for San Antonio, Uvalde and Gulf Railroad Company, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cloverleaf Butter Company,

Petitioner,

28 vs.

Haygood Patterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

ORDER AMENDING OPINION.

The opinion of February 2, 1942, is amended as follows:

On page 4, line 5, strike out the words "comes under" and substitute therefor the words "is subject to."

On page 14, line 15, strike out the word "watches" and substitute therefor the words "has authority to watch."

On page 15, line 7, strike out the word "subject-ed" and substitute therefor the word "subject."

On page 15, lines 7 and 8, strike out the word "continuous."

Per Mr. Chief Justice Stone.

Cloverleaf Butter Company,

Petitioner,

28 vs.

Haygood Patterson, as Commissioner of Agriculture and Industries of the State of Alabama, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

780 vs.

New Haven and Shore Line Railway Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

786 vs.

Home Owners' Loan Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Solomon G. Salomon,

Petitioner,

811 vs.

Van S. Merle-Smith, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R.

The Court will take a recess from Monday, March 16, until Monday, March 30, next.

Per Mr. Chief Justice Stone.

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Thomas W. Holland, Administrator, etc.,

Petitioner,

622 vs.

A. H. Belo Corporation.

Motion to substitute party petitioner submitted by Mr. Solicitor General Fahy for the Petitioner.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

622 vs.

A. H. Belo Corporation.

ON CONSIDERATION of the motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party petitioner herein in the place and stead of Thomas W. Holland, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Motion of New York State Publishers Association for leave to file brief as amicus curiae submitted by Mr. George C. Vournas in that behalf.

Ex parte Martin Wohl, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of prohibition presented.

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Swift and Company, et al.,

Appellants,

595 vs.

The United States of America, et al.

Argument continued by Mr. Ross Dean Rynder for the Appellant, Swift and Company, et al.; by Mr. Hugh B. Cox for the Appellees, United States and Interstate Commerce Commission; by Mr. Douglas F. Smith for the Appellees, The Alton R. R. Co., et al.; and concluded by Mr. Paul E. Blanchard for the Appellant, Armour & Co.

Louis Weber,

Petitioner,

523 vs.

The United States of America.

Argued by Mr. Archibald Cox for the Respondent and case submitted by Mr. A. L. Wirin for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Safe Deposit and Trust Company of Baltimore, Trustee, etc., et al.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. Charles McH. Howard for the Respondent.

M. Hampton Magruder, Collector of Internal Revenue,

Petitioner,

601 vs.

Washington, Baltimore and Annapolis Realty Corporation.

Argument commenced by Mr. Robert L. Stern for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 10, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Alexis Green, It is ordered that Jack R. Kirchik, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meredith M. Daubin, It is ordered that Henry T. Kilburn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew G. Haley, It is ordered that Russell H. Fluent, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Chas. W. Briggs, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul P. Mickey, It is ordered that William Henry Buntin, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Alvord, It is ordered that John W. Cavanaugh, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mitchell Clifton Anderson, et al.,

Petitioners,

852 vs.

The United States of America.

Motion for extension of time within which to file brief of Respondent in opposition to petition for writ of certiorari submitted by Mr. Solicitor General Fahy for the Respondent.

Mitchell Clifton Anderson, et al.,

Petitioners,

852 vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to file brief for the Respondent in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 26, next.

Per Mr. Chief Justice Stone.

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M. Hampton Magruder, Collector of
Internal Revenue,

Petitioner,

601 vs.

Washington, Baltimore and Annapolis
Realty Corporation.

Argument continued by Mr. Robert L. Stern for the Petitioner; by Mr. Richard F. Cleveland and Mr. Ambler H. Moss for the Respondent; and concluded by Mr. Robert L. Stern for the Petitioner.

Pecheur Lozenge Co., Inc.,

Petitioner,

648 vs.

National Candy Company, Inc.

Argued by Mr. Alfred J. L'Heureux for the Petitioner and by Mr. James D. Carpenter, Jr., for the Respondent.

The United States,

Petitioner,

990 O.T. 1940 vs.

Nunnally Investment Company.

Argument commenced by Mr. Arnold Raum for the Petitioner and continued by Mr. W. A. Sutherland for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that

Everett J. Brown, Jr., Esquire, of Oakland, State of California; and

James W. Foley, Esquire, of San Jose, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest A. Gross, It is ordered that Ralph Winkler, Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence F. Lea, It is ordered that Toland C. McGettigan, Esquire, of Santa Rosa, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neil Burkinshaw, It is ordered that Joseph H. Broderick, Esquire, of New York,

State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Coffill, It is ordered that Edward Levin, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that George R. Larwill, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse R. Pillman, It is ordered that Thomas A. Ryan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that Thomas Cifelli, Jr., Esquire, of Bloomfield, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States,

Petitioner,

990 O.T. 1940 vs.

Nunnally Investment Company.

Argument continued by Mr. W. A. Sutherland for the Respondent and concluded by Mr. Arnold Raum for the Petitioner.

United States of America, to the
use of Noland Company, Inc.,

Petitioner,

658 vs.

Alexander D. Irwin, et al., etc.

Argued by Mr. Alexander M. Heron for the Petitioner and by Mr. Prentice E. Edrington for the Respondents.

Harriett V. Pence,

Petitioner,

665 vs.

The United States of America.

Argument commenced by Mr. William B. Collins for the Petitioner and continued by Mr. Richard H. Demuth for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ray W. Nedrow, It is ordered that Robert Edward Dickman, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Pierce, It is ordered that Rudolph J. Jurick, Esquire, of Union, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Shipley, It is ordered that Hugh D. Glisson, Esquire, of Portsmouth, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harriett V. Pence,

Petitioner,

665 vs.

The United States of America.

Argument continued by Mr. Richard D. Demuth for the Respondent and concluded by Mr. William B. Collins for the Petitioner.

Mark Graves, et al., as Commissioners, etc.,

Petitioners,

604 vs.

Carl J. Schmidlapp and Elizabeth E. Gorrie, as Executors, etc.

Argued by Mr. Mortimer M. Kassell for the Petitioners and by Mr. Thomas A. Ryan for the Respondents.

The State Tax Commission of Utah,

Petitioner,

814 vs.

Malcolm P. Aldrich and Mary S. Harkness, Administrators, etc.

Argument commenced by Mr. J. Lambert Gibson for the Petitioner; continued by Mr. Garfield O. Anderson for the Petitioner, and by Mr. Melber Chambers for the Respondents; and concluded by Mr. Garfield O. Anderson for the Petitioner.

The United States of America upon the relation of and for the use of The Tennessee Valley Authority,

Petitioner,

500 vs.

W. P. N. Powelson, Assignee, etc., et al.

Argument commenced by Mr. William C. Fitts, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 13, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Saul Richard Gamer, It is ordered that Giles Henry Penstone, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Church, It is ordered that Harry Price, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Maxwell Caskie, Jr., It is ordered that Fleet Cooper Hathorn, Jr., Esquire, of Hattiesburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that Ludwig M. Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter James Brobyn, It is ordered that Mitchell Salem Fisher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morton Stavis, It is ordered that Bernard D. Fischman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Pike, It is ordered that Adolph Magidson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that David F. Taber, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon L. Wilkinson, It is ordered that Charles R. Denny, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America upon
the relation and for the use of
The Tennessee Valley Authority,

Petitioner,

500 vs.

W. P. N. Powelson, Assignee, etc.,
et al.

Argument continued by Mr. William C. Pitts, Jr., and Mr. Solicitor General Fahy for the Petitioner; and concluded by Mr. Arthur T. Vanderbilt for the Respondents.

U. S. Industrial Chemicals, Inc.,

Petitioner,

680 vs.

Carbide and Carbon Chemicals Corporation.

Argued by Mr. William H. Davis for the Petitioner and by Mr. Samuel E. Darby, Jr., for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Francis Biddle, It is ordered that Joseph B. Quinn, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Robert C. Bassett, Esquire, of Green Bay, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Stephen Alfred Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Willard John Stone, Jr., of Pasadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Wilson, It is ordered that Samuel E. Neel, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Wilson, It is ordered that Dick Moblit Woods, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Philip Donald DeHoff, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip J. Cohen, It is ordered that Charles Sumner Moore, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Russell J. Burns, It is ordered that Ray A. Heimburger, Esquire, of Sandusky, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, Mr. Justice Byrnes, and Mr. Justice Jackson.

Joseph B. Quinn, of Philadelphia, Pa.; Robert C. Bassett, of Green Bay, Wis.; Stephen Alfred Wilson, of New York City, Willard John Stone, Jr., of Pasadena, Calif.; Samuel E. Neel, of Kansas City, Mo.; Dick Hoblit Woods, of Kansas City, Mo.; Philip Donald DeHoff, of Jacksonville, Fla.; Charles Sumner Moore, of Atlantic City, N. J.; and Ray A. Heimburger, of Sandusky, Ohio, were admitted to practice.

Mr. Attorney General Biddle addressed the Court, as follows:

MAY IT PLEASE THE COURT:

Members of the Bar of this Court assembled this morning in respectful and affectionate tribute to the memory of Mr. Justice Van Devanter. A Minute and resolution were adopted which I have the honor to present, with the request that they be embodied in the permanent records of the Court. The Minute is as follows:

"WILLIS VAN DEVANTER was of the stuff of which pioneers are made. When he died his country lost a virile and devoted son.

The story of his eventful life is a record of faithful and distinguished public service. Nevertheless when the long chronicle has been read the man himself seems even more impressive than the things he did. The simple fact is that he stood forth a man among men.

He was a son of the Hoosier State. Born in Marion on April 17, 1859, his self-development began in the public schools. DePauw University claimed him as the most distinguished of its alumni. In the law school of Cincinnati University he prepared for admission to the bar. After a few years of practice in his home town, during which he served as Deputy County Prosecutor, he answered the call of the West and was among those who helped organize the Territory of Wyoming into Statehood. After having served under appointment by President Harrison as a Justice of the Supreme Court of the Territory, he became Chief Justice of the new State. President McKinley made him an Assistant to the Attorney General of the United States attached to the Department of the Interior. President Theodore Roosevelt commissioned him a Circuit Judge in the Eighth Circuit.

Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Company,

Petitioners,

505 vs.

Frank O. Lowden, James E. Gorman and Joseph B. Fleming, Trustees of the Chicago, Rock Island and Pacific Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri.

Per Mr. Justice Byrnes.

The People of Puerto Rico,

Petitioner,

96 vs.

Rubert Hermanos, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

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Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Company,

Petitioners,

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

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...TION WHEREOF, It is now here ordered and adjudged
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... and the same is hereby, affirmed with costs; and
... same is hereby, remanded to the District Court of
...astern District of Missouri.

Per Mr. Justice Byrnes.

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On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

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...ATION WHEREOF, It is now here ordered and adjudged
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Per Mr. Justice Byrnes.

...f Justice and Mr. Justice Roberts.

...lete reliance upon Mr. Justice Van Devanter
... the Court to deal with such problems.
...ween the United States and Canada, Mr.
...nd Chief Justice Duff served as the Commis-
...y the Convention between the two Govern-
...ed, judicious, and tactful way in which the
...ed their delicate duty brought the contro-
...rally satisfactory conclusion.
...nter was distinguished for two great judicial
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...y and practicality. He did not lack the
...and firmly, by a principle which he deemed
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... important, in the light of the facts and the
...ce to principle. In the second place, he had
...lytical mind. The problems presented by a
...fort on his part, to fall into their sequential
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... been present and had taken down some of
...hose statements might well have been made
...t, so lucid, so orderly, and so comprehensive
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...nguishing characteristics. He was wont to
...te details which might conceivably have a
...efore him and insisted on having it made
...ffect might be. Many judges have assumed
...tails of this sort; but those who practised
...ter recall that often he would pick an im-
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...nform to the custom of classifying judges
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... and when he conceived them to be in danger
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Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Company,

Petitioners,

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

nplete reliance upon Mr. Justice Van Devanter in the Court to deal with such problems.
between the United States and Canada, Mr. r and Chief Justice Duff served as the Commis- by the Convention between the two Govern- dicted, judicious, and tactful way in which the arged their delicate duty brought the contro- enerally satisfactory conclusion.
evanter was distinguished for two great judicial n the first place, a remarkable sense of propor- ed a principle to the extreme in disregard of olicy and practicality. He did not lack the d stand firmly, by a principle which he deemed er hand he recognized that reconciliation and as important, in the light of the facts and the erence to principle. In the second place, he had analytical mind. The problems presented by a t effort on his part, to fall into their sequential d that his exposition of his views in conference ly. It has been a matter of remark that, if a ave been present and had taken down some of es, those statements might well have been made Court, so lucid, so orderly, and so comprehensive reme conscientiousness and thoroughness in en- he bottom of every question of fact and law pre- distinguishing characteristics. He was wont to minute details which might conceivably have a se before him and insisted on having it made eir effect might be. Many judges have assumed e details of this sort; but those who practised Devanter recall that often he would pick an im- something that counsel had not considered worth

to conform to the custom of classifying judges servative, Mr. Justice Van Devanter must be tive but this is said with a realization that there ecies within each genus. His was not the con- ble to tradition or to worldly possessions. He resent and he preferred the simple life. Himself tier experiences, he had in him the spirit of the West and of those others who in an earlier day erties which have been the glory of America. celess and when he conceived them to be in danger their defence. He had boundless admiration for

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on to be heard on the transcript of the record Court of Appeals for the Eighth Circuit, and

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Per Mr. Justice Byrnes.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

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Per Mr. Justice Byrnes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

MONDA

the pioneers of that era w
no drones in those days," he
support them."

Willis Van Devanter was
great open spaces. In earl
panion on hunting trips an
companionship of men inur
however, a farmer even bef
took charge of his grandfath
to all the work. When he
life on a farm for which he
Maryland it was the realiza
fertile acres he spent most o
career he had been the recip
much eulogy, but it is sa
tributes the testimony of a
retired Justice that he was
before he headed westward
Iona, Michigan, to live his
cepted and they were married
happy. She bore him two so
came in 1934 when she and
Death overtook the Justice o
sons, a brother, and two devo
with bowed heads when the
read the solemn words of the

Such was the man in hono
of those present date their fri
young practitioners in his co
tion and made them feel at
fearing and loyal, let it be reco
at her best.

RESOLVED that the foregoing
transmitted to the family of
Attorney General of the Unite
to the Court on behalf of the
upon the records of the Court."

For twenty-seven years Mr.
of this Court, serving under t
during two depressions, and a
he had rendered distinguished
cuit Court of Appeals as well
an Assistant Attorney General

Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Company,

Petitioners,

vs.

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d came on to be heard on the transcript of the record
ircuit Court of Appeals for the Eighth Circuit, and

DERATION WHEREOF, It is now here ordered and adjudged
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be, and the same is hereby, affirmed with costs; and
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Per Mr. Justice Byrnes.

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proceedings not inconsistent with the opinion of

Per Mr. Justice Byrnes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

hen going was roughest. "There were
once remarked; "the country would not

at heart a sportsman and a lover of the
y days Buffalo Bill was often his com-
d the future Justice was happy in the
red to hardship and danger. He was,
fore he was a hunter, for at fifteen he
er's farm, did the plowing, and attended
retired from the Supreme Court it was
longed and when he bought a farm in
tion of a long-deferred hope. On these
f his allotted time. During his public
pient of many honors and the object of
id he prized as highly as any other
tenant on the place who said of the
"a helpful farmhand." In his youth,
, he had invited Dollie Burhans, of
life and share his fortunes. She ac-
l. Their life together was exceptionally
ns who survive their father. Her death
l her husband were traveling abroad.
n February 8, 1941. His two surviving
ted sisters were among those who stood
Chaplain of the United States Senate
Burial Service.
r of whom this meeting is held. Many
endship for him from the day when, as
urt, he showed them kindly considera-
home. Strong, straightforward, God-
rded of him that he represented America

Minute be adopted, that a copy of it be
Mr. Justice Van Devanter, and that the
d States be asked to present the Minute
Bar with the request that it be inscribed

Justice Van Devanter sat as a member
hree Chief Justices, in six Presidencies,
major war. Prior to his appointment,
service as a judge of the Eighth Cir-
as of State and territorial courts; as
guiding the Department of the Interior

through the complex pro
public lands; as an active
ing practice in a rugged
development of Wyoming
to the service of this Cour
bined with a fine intellect
judicial office. In his o
legislative framework of
portant part in the endur

Though Mr. Justice
phases of the Court's bus
attracted widespread inte
he held for a divided co
market were guilty of a
(*U. S.* v. *Patten*, 226 U.
National Prohibition Ca
in *Pennsylvania* v. *West*
the reservation by a Sta
portion of the natural g
York v. *Zimmerman*, 278
secret societies to register
Railway, 289 U. S. 479,
tion and policy in an imp
Colorado, resolving the
versy between the two S
(260 U. S. 419, 496; 260
Corp., 279 U. S. 438, and
tric Company, 281 U. S.
tive action with reference
diction of this Court to
issues that divided the
though his position was
erence may be made, ho
Indian Motocycle Co. v.
the extent of immunity f

As a Circuit Judge, J
problems of the western
opinion in *Brewster* v.
the establishment of th
declared void for brea
land. His opinions on
public land questions a
and with the intricate
procedure.

Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Co[illegible]any,

ltioners,

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blems presented in the management of the and successful attorney, conducting an excit- land; and as a prominent participant in the from Territory to State. Thus he brought t the fruits of wide experience, happily com- , great learning, and ardent devotion to the inions, in conference, and in moulding the the Court's jurisdiction, he played an im- ing work of the Court.

Van Devanter was a specialist in several iness, his opinions include many cases which rest. Almost at the beginning of his service rt that defendants who cornered the cotton restraint of trade under the Sherman Act S. 525). He delivered the judgment in the *es* (253 U. S. 350). He spoke for the Court *Virginia*, barring under the commerce clause te for the use of its inhabitants of a major as produced within its boundaries; in *New* U. S. 63, sustaining a State statute requiring their membership; in *Johnson* v. *Manhattan* ntangling the complicated issues of jurisdic- portant railroad receivership; in *Wyoming* v. recurrent problems involved in the contro- tates over water rights in the Laramie River U. S. 1; 298 U. S. 573); in *Ex parte Bakelite Federal Radio Commission* v. *General Elec-* 464, distinguishing judicial from administra- to the constitutional limitation of the juris- "cases" and "controversies." On the great Court in recent years, he wrote but rarely, clear and held with firm conviction. Ref- wever, to *Evans* v. *Gore*, 253 U. S. 245, and *United States*, 283 U. S. 570, dealing with rom federal taxation.

Justice Van Devanter had dealt with all the states during the years of his service. His *Canyon Zinc Co.*, 140 F. 801, is famous for e doctrine that oil and gas leases may be ch of an implied covenant to develop the this Court reflect his abiding interest in d his special concern with Indian problems but far-reaching issues of jurisdiction and

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Per Mr. Justice Byrnes.

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Dissenting: The Chief Justice and Mr. Justice Roberts.

For the Indians he had
and in their cases, partic
was almost invariably t
decision was made the o
that one may trace the v
opinions such as those in
States v. *The Creek Nati*
the Pueblo tribe, in *Uni*
"They are essentially a s
easily victimized and ill-
ligence and cunning of
Justice protected the "ign

In the field of jurisdic
was an acknowledged ma
Commission and *Manhatt*
we may add, almost at r
ployers' Liability Cases,
U. S. 175; *Lee* v. *Chesap*
Employers Reinsurance C
the vital issues involved
courts; *Slocum* v. *New Y*
Baltimore & Carolina Li
with procedure; and *Dal*
U. S. 282, dealing with t
questions arising in state

Relatively speaking, J
numerous, for he wrote v
opinions, like all true arti
in their creation. There
tions, no superfluous citat
to conclusion, articulate,
a model of orderly rea-
not only for his majority
opinions, that Justice V
the process of deliberatio
an organic entity rather t
In this Justice Van De
courtesy, his penetrating
dent, and his capacity f
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in the conference is att
upon his retirement, led

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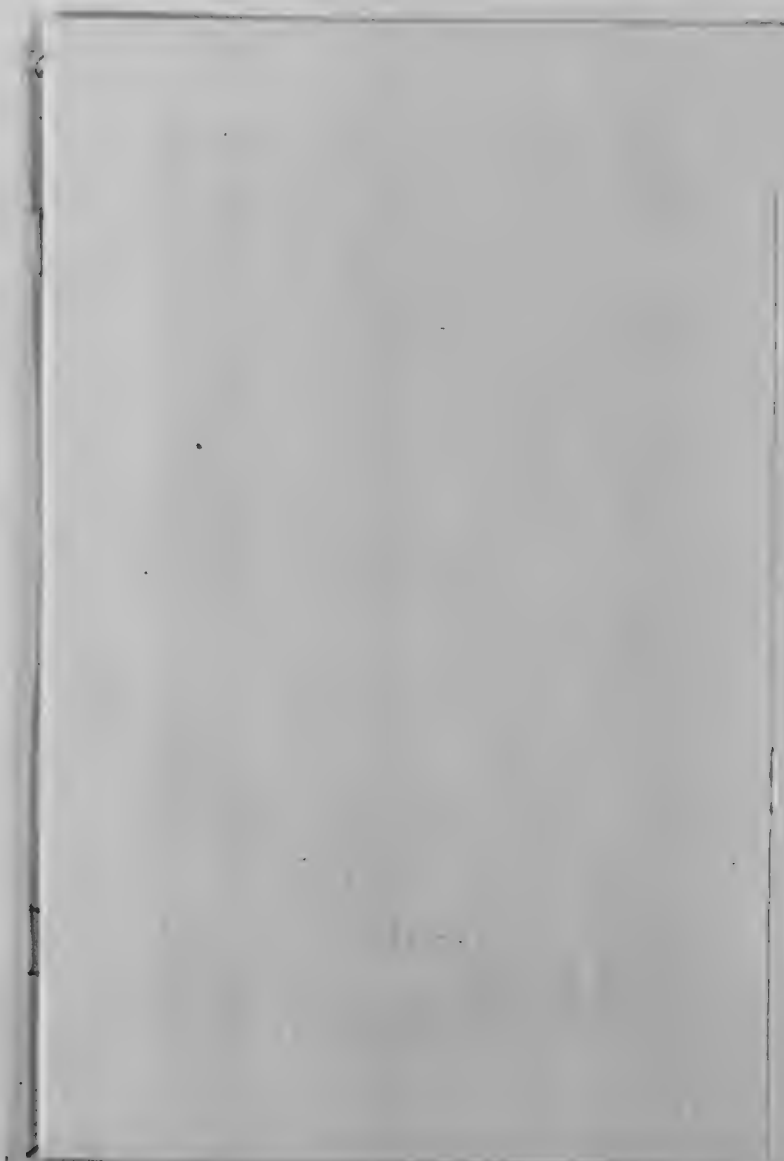
the deepest sympathy and understanding
ularly in his later years on the Bench, he
he spokesman of the Court. Each such
ccasion for an essay in tribal history, so
anderings of the Western tribes through
nited States v. *Reily*, 290 U. S. 33; *United*
on, 295 U. S. 103, and others. He said of
ted States v. *Chaves*, 290 U. S. 359, 361:
imple, uninformed, and dependent people,
prepared to cope with the superior intel-
thers." To the extent of his power, the
orant" from the "cunning."
tion and procedure, Justice Van Devanter
ster. His opinions in the *Bakelite*, *Radio*
n Railway cases have been noted. To these
andom, such decisions as the *Second Em-*
223 U. S. 1; *Wells Fargo* v. *Taylor*, 254
eake & Ohio Ry. Co., 260 U. S. 653; and
orp. v. *Bryant*, 299 U. S. 374, dealing with
in the relationship of state and federal
ork Life Insurance Co., 228 U. S. 364 and
ne Inc. v. *Redman*, 295 U. S. 654, dealing
nke-Walker Milling Co. v. *Bondurant*, 257
he scope of appeal as of right on federal
courts.
ustice Van Devanter's opinions were not
vith great deliberation and care. Yet his
stic achievement, conceal the effort involved
are no waste passages, no needless quota-
ions. The argument moves from premise
losely reasoned, and complete, each opinion
oning and lucid expression. But it was
opinions, or for his very few dissenting
an Devanter will be remembered. It is
in considering cases that makes the Court
han the aggregate of nine individual votes.
vanter rendered invaluable service. His
logic, his enormous knowledge of prece-
or oral presentation were here brought to
nt. These talents led Chief Justice Taft
e Van Devanter "exercises more influence,
ther member of the Court." His service
ested also by Chief Justice Hughes and,
to the statement by his brother Justices



that his "labors
Court."

The part that
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The Chief Justi

Mr. ATTORNEY
and this Court, of

Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company and Mid-Valley Steel Company,

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

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have entered into the very warp and woof of the

Justice Van Devanter played in the drafting and Congress of the Judges' Bill which became the 1925 will be a monument to his memory long after are lost in the anonymity of time. Following the . Justice Day, Justice Van Devanter became Chair- mittee of the Court engaged in the preparation of iginal draft submitted to the Court in 1921 was and upon its subsequent introduction in the Con- rden of explanation of the bill in the Congressional and 1924 fell to him. The hearings happily give record of those qualities of Justice Van Devanter fruitfully in the conferences of the Court. On all pellate jurisdiction of the Supreme Court and the f Appeals, he answered question after question, precisely, exhibiting complete knowledge of every detail, including peculiarities of practice even in urts. The Act itself, serving as it did, to extend cretionary review and to provide a unified state- ellate jurisdiction, will stand as one of the great ments of our time.

Van Devanter retired from this Court, at the age of er thirty-four years of continuous service as a fed- earned repose. Characteristically, however, he was District Court to relieve a congested docket, saying m still a judge." So in the last years of his life he ial of several major cases. His conduct of the trial, jury, his treatment of counsel and of witnesses was ofession.

working with others which contributed to Justice udicial career graced his entire life. His courtesy which was compelling. He had great capacity for ad the human warmth which knows no line of doc- onal relations, as in his judicial work, he sought an ion. When he died the Chief Justice spoke for the r the Court in saying: "He was a man of sterling rare sagacity, a wise counsellor, and a faithful

deral official, as a judge and as a justice, he gave his of his country.

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ce said:

GENERAL: It is altogether fitting that the Bar which Justice Van Devanter was so long a mem-

ber, should now expres
acter and his eminent s
Van Devanter was a p
be no greater reward
faithfully performed.
is the only reward he w

No mere catalogue c
could give an adequate
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in his conception of th
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if we were to attempt
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zens they were zealous
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to be let alone. Thei
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As Circuit Judge
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last judicial service, af

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s and here record their estimate of his char-
ervices. During most of his active life Justice
ublic servant, for whose services there could
than recognition that they were well and
Such recognition by his professional brethren
would have prized.

f the events and achievements of his career
impression of the man. His distinction was
character and personality, and was so rooted
e duties and obligations of the judicial office,
he true significance of his work as a judge
to define it wholly in terms of his public
cter and personality were not uninfluenced by
he experienced in his early days in the West
with it did much to shape the pattern of his
slator, and judge in Wyoming in its period
rritorial government to statehood, and later
he Eighth Circuit, exercising his jurisdiction
tory extending westward from the Mississippi
of the Rockies, he made his own something
tlook of the pioneer West.

art of the expansion of free enterprise in the
w world lying beyond the Mississippi. It was
than any other in our history, men were the
They sought the great West to build homes,
establish orderly communities. As good citi-
to put down the lawlessness of the frontier and
ourts which would insure the safety of persons
d that they asked only for that most natural
rivileges in a thinly settled country—the right
rs was the philosophy that that government
verns least, a philosophy not without its effect
anter's appraisal of the functions of govern-
nts of a written constitution.

is opinions in appellate cases speedily won
ch and Bar by the range and accuracy of the
they exhibited, the care with which they were
rity of statement. His quick perception, his
rules of evidence, his alert and incisive mind,
ty in the trial of jury cases. The trials over
ircuit Judge, of which there were many of note,
xemplary fairness, courtesy, firmness, and dis-
his zest for the forensic battleground. His
er his retirement from this Court, was to pre-

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same on to be heard on the transcript of the record
uit Court of Appeals for the Eighth Circuit, and

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Per Mr. Justice Byrnes.

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It was with this
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This Court often
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eedings not inconsistent with the opinion of

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ls in the District Court in New York. It was a
nment that under his sure and skillful direction
the administration of trial justice.
orney General assigned to the Interior Depart-
dge in a western circuit, he was most frequently
infinite variety of questions arising out of the
e public-land laws. Never content with super-
performance, he devoted himself assiduously to
thus gained expert knowledge of mining laws
er rights in the semiarid regions of the West,
ties affecting the right of Indians, of the rights
individuals arising out of the railroad land
nts of the public lands—all of which continued
ion of the courts throughout his lifetime. His
e history and customs of the Indian tribes, his
nding of their inability to cope with the greed
h they were so often exposed, made him a veri-
ce for this hapless people. Early in his career
nake special studies in equity jurisprudence and
l jurisdiction of the federal courts. His knowl-
nsable aids to the sound administration of justice

background and experience and these special
Van Devanter began in 1911 his service as a
rt, which was to continue for over twenty-six
ement in June 1937. You do well, Mr. Attorney
ntion of some of the notable cases in which he
he Court, for they give something of the meas-
d the lawyer. They remind us that while he
urt the benefits of his special knowledge and
ular branches of the law, he was by no means
They cover a wide range of interests. They
h and depth of his knowledge in many fields
al the vigor, sanity, and precision of his mind.
nse of proportion with which he adapted prin-
he special facts and circumstances to which they
They are models of judicial exposition, never
t, or sprinkled with irrelevant citations. Sim-
tatement, orderly, lucid, complete; they give a
t, of the painstaking care which in fact he gave

had occasion to draw on Justice Van Devanter's
ge of procedure and judicial administration for
the decision of cases and the writing of opinions.

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e is hereby, remanded to the Supreme Court of
ings not inconsistent with the opinion of

Per Mr. Justice Byrnes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

mple was his supervision, as chairman of a committee over the receivership growing out of the boundary n Oklahoma and Texas, which occupied the attention from 1920 to 1925. Another was his participation in the Judiciary Act of 1925. To his special familiarity nization and appellate practice of the federal courts, draftsmanship in preparing the Act, and to his sitions of its provisions, are due in large measure of that legislation. It gave to the Court freedom fforts to the performance of its true function as the te court of a nation-wide judicial system.

e privilege it was to sit with Justice Van Devanter know well that the public evidences of his judicial al rather more than they reveal what was his great- he Court and to the public. It was a service inspired nception of the function of a Justice of this Court, which the Court itself should play in our constitutional as profoundly aware that the true source of the strength nd the permanency of its influence is public confidence hness, integrity, and disinterestedness with which it In his mind this signified, and rightly so, the need study by every judge of every record and application o the Court for disposition, and the free and frank iews with associates as preliminaries to decision un- rinsic influences or nonjudicial considerations.

ustained by his natural fidelity to every task which he the force of his example, exercised a powerful and uence on the deliberations of the Court. Continued uption for more than twenty-six years, it would be estimate its importance in perpetuating and strengthen- radition of the Court. At the conference table he was ngth. When his turn came to present his views of the o point was overlooked, no promising possibility left lis statements were characteristically lucid and com- fest expression of a judgment exercised with unswerv- ce. Often his expositions would have served worthily, of form and substance, as the Court's opinion in the

biding faith that reason would afford the solvent for of judicial cognizance. He thought and spoke of this lace for the final appeal to reason in composing the icts growing out of the distribution by the Constitution owers of government.

MOND

In the provisions of the
and Fourteenth Amendme
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tion of his thought.

As we recall the years of a
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the ideal of justice under law
and loyalty to a great task, th
which he wrought. For thes
which there can be no justic
institution which we serve.

No. 505. Lester A. Crane
doing business under the firm
pany and Mid-Valley Steel
den, James E. Gorman, an
Chicago, Rock Island and
certiorari to the United St
Eighth Circuit. Judgment
to the District Court of the U
Missouri. Opinion by Mr. J

No. 96. The People of Pue
Inc., et al. On writ of certi

Lester A. Crancer and George B. Fleischman, Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company

...any,

...itioners,

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

...AY, MARCH 16, 1942 193

...e Constitution, and particularly the Fifth ...nts, he saw safeguards to those rights and ...l which he regarded as the chief spiritual ... he had known in his own life and experi... ...with him differed not in their appraisal of ...lgment that an instrument of government, ...s to come, could not rightly be interpreted ...ly in so rigid a mold. Both were content ... by the appeal to reason in the course of ...have regarded as inappropriate and inept ...ng views of the appropriate boundaries of ...er conservative or liberal.

...mily ties and the association with friends ...f the Court was his chief interest in life. ...to the uttermost and without interruption ...etirement. He was a man of simple, un... ...odesty and simplicity were the keynotes of ...hed by any interest in or desire for wealth. ...friendship. He instinctively sought to find ...h would merit his esteem. His relations ...rked by his uniform courtesy and helpful... ...gard. In his daily intercourse with them ...ry pending problem, his statements were ...al clear, because they were the true reflec...

...sociation in a common endeavor, the clash ...ending struggle to attain in some measure ..., there lives in memory this man's devotion ...e integrity and sturdy independence with ...e are the attributes of the judge, without ... They are the foundation stones of the

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...r and George B. Fleischman, copartners, ...n names of Valley Steel Products Com... ...Company, petitioners, v. Frank O. Low... ...d Joseph B. Fleming, Trustees of the ...Pacific Railway Company. On writ of ...tes Circuit Court of Appeals for the ...firmed with costs and cause remanded ...United States for the Eastern District of ...Justice Byrnes.

...rto Rico, petitioner, v. Rubert Hernandez, ...rari to the United States Circuit Court

. Gorman
...ustees of
...and Pacif-

...E came on to be heard on the transcript of the record ...ircuit Court of Appeals for the Eighth Circuit, and

...ERATION WHEREOF, It is now here ordered and adjudged ...udgment of the said United States Circuit Court of ...be, and the same is hereby, affirmed with costs; and ...the same is hereby, remanded to the District Court of ...e Eastern District of Missouri.

Per Mr. Justice Byrnes.

...co,

...itioner,

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

...et al.

...SE came on to be heard on the transcript of the record ...Circuit Court of Appeals for the First Circuit, and

...DERATION WHEREOF, It is now here ordered and adjudged ...judgment of the said United States Circuit Court of ..., be, and the same is hereby, reversed with costs; and ...d the same is hereby, remanded to the Supreme Court of ...r proceedings not inconsistent with the opinion of

Per Mr. Justice Byrnes.

Dissenting: The Chief Justice and Mr. Justice Roberts.

Adolph B. Spreckels, Petitioner,

581 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Adolph B. Spreckels, Petitioner,

582 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The People of Puerto Rico,

Petitioner,

95 vs.

Russell & Co., S. en C.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Byrnes join.

Federal Power Commission and Illinois Commerce Commission,

Petitioners,

265 vs.

Natural Gas Pipeline Company of America and Texoma Natural Gas Company.

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Natural Gas Pipeline Company of America and Texoma Natural Gas Company,

Petitioners,

268 vs.

Federal Power Commission and Illinois Commerce Commission.

On writ and cross-writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this

cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy announced by Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

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The Chief Justice announced the following order of the Court:

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Public Service Company of Indiana and Union Trust Company of Indianapolis, Trustee,

Appellants,

954 vs.

City of Lebanon, Indiana.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted;

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Martin Wohl, et al.,

Petitioners.

—, Original.

A rule is ordered to issue, returnable Monday, March 30, next, requiring the Respondent to show cause why leave to file the petition for writ of prohibition should not be granted.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

ON CONSIDERATION of the motion of the New York State Publishers Association for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arsenal Building Corporation and Spear & Co., Inc.,

Petitioners,

924 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Respondent herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED BY THIS COURT that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Norman Williams,

Petitioner,

929 vs.

R. H. Lawrence, Superintendent.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman Williams,

Petitioner,

929 vs.

R. H. Lawrence, Superintendent.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles and Frances N. Viles,

Petitioners,

932 vs.

The Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles and Frances N. Viles,

Petitioners,

932 vs.

The Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Wright,

Petitioner,

935 vs.

First Joint Stock Land Bank of Fort Wayne, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Wright,

Petitioner,

935 vs.

First Joint Stock Land Bank of Fort Wayne, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Jobin,

Appellant,

966 vs.

The State of Arizona.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

National Broadcasting Company, Inc., et al.,

Appellants,

1025 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Columbia Broadcasting System, Inc.,

Appellant,

1026 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Chrysler Corporation, et al.,

Appellants,

1036 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Lois Bowden and Zada Sanders,

Petitioners,

314 vs.

City of Fort Smith, Arkansas.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

IT IS ORDERED that the order denying certiorari in this case be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, and the case is assigned for argument immediately following No. 966, Jobin v. State of Arizona.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

M. Hampton Magruder, Collector of Internal Revenue for the District of Maryland,

Petitioner,

947 vs.

Frederick M. Supplee and Elizabeth G. Supplee, His Wife.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Marine Harbor Properties, Inc.,

Petitioner,

948 vs.

Manufacturer's Trust Company (Successor by Merger to the Mortgage Corporation of New York), as Trustee, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bakery Sales Drivers Local Union No. 344 (A. F. of L.), Auto Truck Drivers Joint Council No. 50, (A. F. of L.), et al.,

Petitioners,

844 vs.

Carpenter Baking Company.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David P. Lavietes,

Petitioner,

858 vs.

Ferro Stamping and Manufacturing Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States Fidelity and Guaranty Company,

Petitioner,

917 vs.

Ethel M. Doheny, as Administratrix of the Estates of Roberta Doheny and Marguerite Doheny, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armand Schmoll, Inc.,
Petitioner,
928 vs.
The Federal Reserve Bank of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Scherck, Richter Company,
Petitioner,
930 vs.
Thomas N. Dysart and Frederick W. Straus, as Members of the Central Properties First Mortgage Bondholders' Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The North Electric Manufacturing Company,

Petitioner,

931 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward L. Corbett,

Petitioner,

936 vs.

Lillian J. Halliwell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The D. W. Klein Company,

Petitioner,

941 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bryan County, State of Oklahoma, and the Board of County Commissioners of Bryan County, Oklahoma,

Petitioners,

942 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Oil Company of New Jersey,

Petitioner,

951 vs.

Olaf Jorgensen, James J. Shea, Vasco Cantos and Gunner Hanson.

On petition for writ of certiorari to the Municipal Court of the City of New York, Borough of Manhattan, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Municipal Court of the City of New York, Borough of Manhattan, First District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Princeton Knitting Mills, Inc.,

Petitioner,

953 vs.

Arcadia Knitting Mills, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julian Riley and Hughes Spalding, Executors, etc.,

Petitioners,

81 vs.

The New York Turst Company, Administrator, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alexander MacGregor, Jr., Executor, etc.,

Petitioner,

179 vs.

State Mutual Life Assurance Company of Worcester, Massachusetts.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas D. Aiken, Tillie Davenport, et al.,

Petitioners,

821 vs.

Samuel Insull, Jr., Philip J. McEnroe, et al.; and

DeMet's, Incorporated, and Robert E. Wood,

Petitioners,

822 vs.

Samuel Insull, Jr., C. W. Sills, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert P. Shick,

Petitioner,

853 vs.

William A. Goodman, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Milcor Steel Company,

Petitioner,

720- vs.

George A. Fuller Company, et al.

Motion for leave to file brief of Truman Sunderland Safford as amicus curiae submitted by Mr. Truman Sunderland Safford.

Milcor Steel Company,

Petitioner,

720 vs.

George E. Fuller Company, et al.

ON CONSIDERATION of the motion of Truman Sunderland Safford for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, March 30, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Herbert J. Kenarik, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that R. L. Wagner, Esquire, of Evanston, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Russell, It is ordered that William E. Russell, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Norman S. Altman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that Frederic S. Glover, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Owen Rall, It is ordered that Fred. A. Gariepy, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris L. Forer, It is ordered that Lois Goldstein Forer, of Winnetka, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that Richard C. Meissner, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic Solomon, It is ordered that Reuben G. Crimm, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Lynn, It is ordered that

Arthur Morgan, Esquire, of Youngstown, State of Ohio; and

Raymond S. Powers, Esquire, of Youngstown, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howe P. Cochran, It is ordered that William W. Colson, Jr., Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Chandler, It is ordered that Leo Brown, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that E. M. Nuckols, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Pratt, It is ordered that

Edwin A. Hofeld, Esquire, of Chicago, State of Illinois; and

David H. Caplow, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Muncie Gear Works, Inc., and Bruns & Collins, Inc.,

Petitioners,

323 vs.

Outboard, Marine & Manufacturing Company, and Johnson Brothers Engineering Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Bakery and Pastry Drivers and Helpers Local 802 of the International Brotherhood of Teamsters, et al.,

Petitioners,

901 O.T. 1940 vs.

Hyman Wohl and Louis Platzman.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Bronx, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, on the remittitur of the Court of Appeals, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

William Jacob,

Petitioner,

589 vs.

The City of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Frankfurter and Mr. Justice Jackson concur in the result.

Dissenting: The Chief Justice, Mr. Justice Roberts, and Mr. Justice Reed.

Allen-Bradley Local No. 1111, United Electrical, Radio and Machine Workers of America, et al.,

Appellants,

252 vs.

Wisconsin Employment Relations Board and Allen-Bradley Company.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

On writ of certiorari to the Court of Civil Appeals for the First Supreme Judicial District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals for the First Supreme Judicial District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, and Mr. Justice Murphy concur.

Dissenting opinion by Mr. Justice Reed.

National Labor Relations Board,

Petitioner,

588 vs.

Electric Vacuum Cleaner Company, Inc., and International Molders' Union of North America, Local 430, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enforce the order of the Board except as to reimbursement of federal, state and local work-relief projects.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Roberts.

Mrs. Jesse Miles, et al.,

Petitioners,

272 vs.

Illinois Central Railroad Company.

On writ of certiorari to the Court of Appeals of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Byrnes join.

Sampson Tulee,

Appellant,

318 vs.

State of Washington.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

U. S. Industrial Chemicals, Inc.,

Petitioner,

680 vs.

Carbide and Carbon Chemicals Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Memphis Natural Gas Company,

Appellant,

499 vs.

Roy H. Beeler, Attorney General of the State of Tennessee, et al.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction; and, treating the appeal papers herein from the Supreme Court of the State of Tennessee as an application for a writ of certiorari, certiorari is granted.

IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Mark Graves, John P. Hennessey and Joseph M. Mesnig, as Commissioners, Constituting the State Tax Commission of the State of New York,

Petitioners,

604 vs.

Carl J. Schmidlapp and Elizabeth E. Gorrie, as Executors of the Last Will and Testament of Eugene V. R. Thayer, Deceased.

On writ of certiorari to the Surrogate's Court of the County of New York, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court of the County of New York, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Surrogate's Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Surrogate's Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in the result.

Pecheur Lozenge Co., Inc., Petitioner, vs. National Candy Company, Inc.

648

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated without costs in this Court to either party; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following order of the Court:

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Louis Weber, Petitioner, vs. The United States of America.

523

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Roy McArthur and G. A. McArthur, a Co-partnership, Doing Business as Anaconda Van Lines,

Appellants,

vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Illinois.

950

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the court below be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

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Ex parte Martin Wohl, et al.,

Petitioners.

—, Original.

The time within which to file the return to the rule to show cause is extended to and including April 6, next.

Per Mr. Chief Justice Stone.

Ex parte John St. Francis Slaughter,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Pedro E. Sanchez Tapia,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James DeWindt and Mabel DeWindt,

Plaintiffs,

—, Original vs.

State of South Carolina.

ON CONSIDERATION of the motion for leave to file a petition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Smith,

Plaintiff,

— vs.

Western Union Telegraph Co., et al.

ON CONSIDERATION of the application submitted herein by William Smith,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Morton Salt Company,

Petitioner,

49 vs.

The G. S. Suppiger Company.

ORDERED that the last three lines on page 1 of the opinion in this case be amended to read:

"The Clayton Act authorizes those injured by violations tending to monopoly to main—".

Per Mr. Chief Justice Stone.

Cudahy Packing Company of Louisiana, Ltd.,

Petitioner,

245 vs.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor.

ORDERED that the opinion in this case be amended as follows:

1. Strike from the last line of page 5 the phrase "the Bituminous Coal Act of 1937,".

2. Strike from the fifth line of page 6 the phrase ", save possibly one,".

3. Strike footnotes 6 and 9.

4. Renumber the footnotes accordingly.

Per Mr. Chief Justice Stone.

City of Chicago, a Municipal Corporation, et al.,

Petitioners,

706 vs.

Fieldcrest Dairies, Inc.

ON CONSIDERATION of the motion of the State of Illinois for leave to appear and present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Esther P. Deere, Administratrix of the Estate of Amos J. Deere, Deceased,

Petitioner,

962 vs.

Southern Pacific Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Esther P. Deere, Administratrix of the Estate of Amos J. Deere, Deceased,

Petitioner,

962 vs.

Southern Pacific Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman J. Sanford,

Petitioner,

971 vs.

Board of Prison, Terms and Paroles of the State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman J. Sanford,

Petitioner,

971 vs.

Board of Prison, Terms and Paroles of the State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania, ex rel. Alfred Maurice,

Petitioner,

978 vs.

Herbert A. Smith, Warden, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania, ex rel. Alfred Maurice,

Petitioner,

978 vs.

Herbert A. Smith, Warden, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude R. Wickard, Secretary of Agriculture of the United States, et al.,

Appellants,

1080 vs.

Roscoe C. Filburn.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

State Bank of Hardinsburg,

Petitioner,

Order allowing certiorari.

920 vs.

Chancey Ray Brown and Mary G. Brown.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Henry Anton Pfister,

Petitioner,

Order allowing certiorari.

958 vs.

Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Henry Anton Pfister,

Petitioner,

Order allowing certiorari.

959 vs.

Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

979 vs.

The State of North Carolina.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of North Carolina is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lawrason Riggs, Jr., Special Guardian,

Petitioner,

980 vs.

Giovanni Del Drago, Marcel Del Drago, Byron Clark, Jr., as Executor, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Surrogate's Court, New York County, State of New York, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Washington Terminal Company,

Petitioner,

964 vs.

F. E. Boswell, E. R. Burkhead, R. R. Bridges, et al.

ORDER ALLOWING CERTIORARI and certifying to the Attorney General of the United States that the constitutionality of the Railway Labor Act is drawn in question.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

In view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Railway Labor Act is drawn in question in this cause.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Fifth Avenue Bank of New York, as Trustee under Declaration of Trust dated October 28, 1926, with Henry H. Westinghouse,

Petitioner,

vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

919

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In the Matter of Petition of Ethyl M. Shibe, for Writ of Prohibition to the Orphans' Court of Philadelphia County and to Lewis H. VanDusen,

Petitioner.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

933

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nelson Taylor, J. R. Mason, Gilbert Moody and N. O. Bowman,

Petitioners,

934 vs.

Provident Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles F. Clise and James W. Clise, Jr., as Executors of the Estate of Anna H. Clise, Deceased,

Petitioners,

946 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alice Dunn, Katie Dunn, Helen Dunn, et al.,

Petitioners,

952 vs.

Republic Natural Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfonse Dobrusky,

Petitioner,

957 vs.

State of Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Genzo Shimadzu and Northeastern Engineering Corporation,

Petitioners,

965 vs.

The Electric Storage Battery Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, It is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sonken-Galamba Corporation and The Tank Corporation,

Petitioners,

969 vs.

The Atchison, Topeka & Sante Fe Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helen Van Zile Anthony, William D. Smith and Jesse Van Zile Anthony, as Executor of the Will of Fannie J. Anthony,

Petitioners,

1020 vs.

United States Trust Company of New York.

On petition for writ of certiorari to the Surrogates' Court, New York County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Surrogates' Court, New York County, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Covington and Kate Ellis Covington,

Petitioners,

693 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Covington and Kate Ellis Covington,

Petitioners,

694 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Citizens National Bank of Kirksville, Missouri,

Petitioner,

907 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. P. Gardzielewski,

Petitioner,

956 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sara T. Walsh,

Petitioner,

963 vs.

School District of Philadelphia.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Massachusetts Hair & Felt Company,
Petitioner,
968 vs.
B. F. Sturtevant Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

David O'Brien,
Petitioner,
972 vs.
Pabst Sales Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aetna Auto Finance, Inc.,
Petitioner,
975 vs.
Aetna Casualty & Surety Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anna Lalor Burdick, Thomas Jefferson Lalor, Charles Lalor Burdick, et al.,

Petitioners,

977 vs.

Charles Lalor Burdick and Chemical Bank & Trust Company, Trustees, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr . Chief Justice Stone.

Lloyd Brasileiro,

Petitioner,

992 vs.

Lazzaro la Guerra.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Southern Steel Company,

Petitioner,

1012 vs.

Butex Gas Company and Butane Gas System Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.; and

S. Mayner Wallace,

Petitioner,

122 vs.

Johanna F. Fiske, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.; and

S. Mayner Wallace,

Petitioner,

122 vs.

Johanna F. Fiske, et al.

A second petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. J. Pickett, General Chairman, etc.,

Petitioner,

1023 O.T. 1940 vs.

The Union Terminal Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

C. L. Williams, Individually, etc., et al.,

Petitioners,

112 vs.

Jacksonville Terminal Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

D'Oench, Duhme & Co., Inc.,

Petitioner,

206 vs.

Federal Deposit Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Kenneth M. Keefe, et al., etc.,

Petitioners,

287 vs.

Bloomfield Village Drain District, etc., et al.;

and

Kenneth M. Keefe, et al., etc.,

Petitioners,

288 vs.

Bloomfield Village Drain District, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., etc.,

Petitioners,

289 vs.

Martin Drain and Branches Drain District, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., etc.,

Petitioners,

290 vs.

Center Line Relief Drain District, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth M. Keefe, et al., etc.,

Petitioners,

291 vs.

Nine-Mile-Halfway Drain District, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Brady and Lucinda Watashe,

Petitioners,

829 vs.

Annie Beams, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbur E. Dow,

Petitioner,

834 vs.

Harold L. Ickes, Secretary of the Interior and Henry L. Stimson, Secretary of War.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacob Novick,

Petitioner,

849 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

I. B. Melville and H. G. Day,
as Trustees, etc., et al.,

Petitioners,

863 vs.

Arthur Weybrew, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John M. Minnec,

Petitioner,

890 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazeltine Corporation,

Petitioner,

892 vs.

The Crosley Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

894 vs.

R. A. Sprouse.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Lois McIntosh,

Petitioner,

915 vs.

Ella L. Wiggins.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Ex parte William Doster Noland,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

State of Colorado,

Complainant,

5, Original vs.

State of Kansas.

Motion for appointment of a Special Master submitted by Mr. Henry C. Vidal and Mr. Jean S. Breitenstein for the Complainant.

State of Colorado,

Complainant,

5, Original vs.

State of Kansas.

Application for an order directing the procedure for submission of the cause to the Court submitted by Mr. J. S. Parker and Mr. W. E. Stanley for the Defendants.

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Milcor Steel Company,

Petitioner,

720 vs.

George A. Fuller Company, et al.

Argued by Mr. George L. Wilkinson for the Petitioner and by Mr. Malcolm K. Buckley for the Respondents.

City of Chicago, a Municipal Corporation, et al.,

Petitioners,

706 vs.

Fieldcrest Dairies, Inc.

Argument commenced by Mr. James A. Velde for the Petitioners, and continued by Mr. Walter V. Schaefer for the Petitioners and by Mr. Fred. A. Gariepy for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 31, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Claude H. Stevens, It is ordered that Donald D. MacFarlane, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Henry J. Fox, Esquire, of Washington, District of Columbia;

Hardin H. Conn, Esquire, of Springfield, State of Tennessee; and

Chester E. Onstad, Esquire, of Broadus, State of Montana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred A. Steiner, It is ordered that Stanley K. Brown, Esquire, of Altadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joe Landon Evins, It is ordered that Hugh B. Helm, Esquire, of Hopkinsville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving L. Schanzer, It is ordered that Morris A. Marks, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. O'Connor, It is ordered that William P. Cusick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin E. Dickinson, It is ordered that Arthur H. Kent, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Ross Gamble, It is ordered that Victor M. Marin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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City of Chicago, a Municipal Corporation, et al.,

Petitioners,

706 vs.

Fieldcrest Dairies, Inc.

Argument continued by Mr. Fred. A. Cariepy for the Respondent; by Mr. Albert E. Hallett for the State of Illinois, as amicus curiae, by special leave of Court; and concluded by Mr. Walter V. Schaefer for the Petitioners.

Lewis J. Valentine, Individually
and as Police Commissioner of the
City of New York,

Petitioner,

707 vs.

F. J. Chrestensen.

Argued by Mr. William C. Chanler for the Petitioner and by Mr. Walter W. Land for the Respondent.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Argument commenced by Mr. Morris L. Ernst for the Petitioner and continued by Mr. John O'Connor for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, APRIL 1, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harley M. Kilgore, It is ordered that Carl B. Vickers, Esquire, of Fayetteville, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Stein, It is ordered that Herman Eugene Klein, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Georgina J. Bingert, It is ordered that Thomas H. Stone, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Denny, Jr., It is ordered that Fred H. Parvin, Esquire, of Greeneville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Shackleford, It is ordered that Ray C. Brown, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

Argument continued by Mr. John O'Connor for the Respondent and concluded by Mr. Morris L. Ernst for the Petitioner.

Municipal Investors Association,

Appellant,

755 vs.

City of Birmingham, a municipal corporation, et al.

Argument commenced by Mr. Claude H. Stevens for the Appellant. The Court declined to hear further argument.

Prudence Realization Corporation,

Petitioner,

757 vs.

A. Joseph Geist, Trustee.

Argued by Mr. Irving L. Schanzer for the Petitioner and by Mr. Morris A. Marks for the Respondent.

Mishawaka Rubber and Woolen
Manufacturing Company,

Petitioner,

649 vs.

S. S. Kresge Company.

Argued by Mr. George L. Wilkinson for the Petitioner and by Mr. William B. Giles for the Respondent.

The Seminole Nation,.

Petitioner,

348 vs.

The United States.

Argument commenced by Mr. Paul M. Niebell for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Leo Jaffe, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harrison Tweed, It is ordered that Harland F. Leathers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Wharton Pepper, It is ordered tha t

John Sailer, Esquire, of Philadelphia, State of Pennsylvania; and

Harold Scott Baile, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Sternhagen, It is ordered that J. Edgar Murdock, Esquire, of Greensburg, State

of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael M. Doyle, It is ordered that Fred. P. Rondeau, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neil Burkinshaw, It is ordered that Edward Vincent Broderick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin S. Pollak, It is ordered that Guido Pantaleoni, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Seminole Nation,

Petitioner,

348 vs.

The United States.

Argument continued by Mr. Paul M. Niebell for the Petitioner, continued by Mr. Charles R. Denny for the Respondent, and concluded by Mr. Paul M. Niebell for the Petitioner.

The Seminole Nation,

Petitioner,

830 vs.

The United States.

Argued by Mr. C. Maurice Weidemeyer for the Petitioner and by Mr. Charles R. Denny for the Respondent.

H. J. Gorman, City Treasurer of
Kansas City, Missouri, et al.,

Petitioners,

711 vs.

The Washington University.

Argued by Mr. William E. Kemp for the Petitioners and by Mr. George Wharton Pepper for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, APRIL 6, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Jay Kyle, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Andrew J. Dallstream, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Albert Kallis, It is ordered that

Arthur J. O'Dea, Esquire, of Hackensack, State of New Jersey; and

William F. Scharnikow, Esquire, of Hackensack, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John R. Norris, It is ordered that

George A. Mahone, Esquire, of Baltimore, State of Maryland; and

William O. Tydings, Esquire, of Baltimore, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fowler Hamilton, It is ordered that John R. Moberly, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving J. Levy, It is ordered that Harry I. Rand, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Eugene Keller, It is ordered that Louis A. Otto, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Keith Kane, It is ordered that Samuel S. Bisgyer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Harold W. Mattingly, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United States of America to the Use of Noland Company, Incorporated,

Petitioner,

658 vs.

Alexander D. Irwin and Archibald O. Leighton, Trading as Irwin and Leighton, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record

from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Byrnes.

Southern Steamship Company, Petitioner, vs. National Labor Relations Board and National Maritime Union of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

320

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to limit its decree of enforcement to those provisions of the Board's order requiring petitioner to bargain with the National Maritime Union and to post notices to that effect, but to eliminate the other provisions of the order as indicated in the opinion of this Court.

Per Mr. Justice Byrnes.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy concur.

Scripps-Howard Radio, Inc., On a certificate from the United States Court of Appeals for the District of Columbia.

508 vs.

Federal Communications Commission.

THIS CAUSE came on to be heard on a certificate from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the question certified must be answered in the affirmative.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Court of Appeals.

Per Mr. Justice Frankfurter.

Mr. Justice Black took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins.

The United States of America, Appellant, Appeal from the District Court of the United States for the Southern District of Florida.

558 vs.

Dennis Malphurs, D. W. Whitehurst, and Elzie Perry.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said District Court for consideration of the continued existence and applicability of the statutes, other than the Hatch Act, referred to in the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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R. P. Duck, Appellant, vs. Arkansas Corporation Commission. — Appeal from the Supreme Court of the State of Arkansas.

1060

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Mr. Chief Justice Stone.

T. E. Avent, Appellant, vs. Mississippi Unemployment Compensation Commission and R. G. Ragland. — Appeal from the Supreme Court of the State of Mississippi.

1067

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1941.

ORDER.

It is ordered that paragraph 1 of Rule 12 of the Rules of this Court be amended so as to read as follows:

"1. Upon the presentation of a petition for the allowance of an appeal to this court, from any court, to any judge or justice empowered by law to allow it, there shall be presented by the applicant a separate typewritten statement particularly disclosing the basis upon which it is contended that this court has jurisdiction upon appeal to review the judgment or decree in question. The statement shall refer distinctly (a) to the statutory provision believed to sustain the jurisdiction, (b) to the statute of the state, or statute or treaty of the United States, the validity of which is involved (giving the volume and page where the statute or treaty may be found in the official edition), setting it out verbatim or appropriately summarizing its pertinent provisions; and (c) to the date of judgment or decree sought to be reviewed and the date upon which the application for appeal is presented.

"The statement shall show that the nature of the case and the rulings of the court were such as to bring the case within the jurisdictional provisions relied on and shall cite the cases believed to sustain jurisdiction. It shall also include a statement of the grounds upon which it is contended that the questions involved are substantial (*McArthur* v. *United States*, 315 U. S. —; *Zucht* v. *King*, 260 U. S. 174, 176-77).

"If the appeal is from a state court, the statements shall in addition specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; the method of raising them (e. g., by a pleading, by request to charge and exceptions, by assignment of error); and the way in which they were passed upon by the court; with such pertinent quotations of specific portions of the record, or summary thereof, with specific reference to the places in the record where the matter appears (e. g., ruling on exception, portion of the court's charge and exception thereto, assignment of error) as will support the assertion that the rulings of the court were of a nature to bring the case within the statutory provision believed to confer jurisdiction on this court. The provisions of this paragraph, with appropriate record page references, must be complied with when review of a state court judgment is sought by petition for writ of certiorari. (See Rule 38, par. 2.)

"The applicant shall append to the statement a copy of any opinions delivered upon the rendering of the judgment or decree sought to be reviewed, including earlier opinions in the same case, or opinions in companion cases, reference to which may be necessary to ascertain the grounds of the judgment or decree.

"If the appeal is from an interlocutory decree of a specially constituted district court of the United States, the statement must also include a showing of the matters in which it is claimed that the court has abused its discretion in granting or denying the interlocutory injunction (*Alabama* v. *United States*, 279 U. S. 229)."

April 6, 1942.

Ex parte William Doster Noland,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Kansas,

Complainant,

9, Original vs.

State of Missouri.

ORDERED that each of the states of Kansas and Missouri be, and they are hereby, permitted to deposit with the Clerk of this Court one thousand dollars ($1000) to defray the expenses of the Special Master.

Per Mr. Chief Justice Stone.

Phoenix Finance Corporation,

Petitioner,

19 vs.

Iowa-Wisconsin Bridge Company.

ON CONSIDERATION of the motion of Petitioner to recall the mandate and retax costs in this case,

IT IS ORDERED that the said motion be, and the same is hereby, granted, and that the mandate be recalled and amended so as to give Petitioner recovery for additional costs in the sum of $94.00.

Per Mr. Chief Justice Stone.

McKinley Morris,

Petitioner,

1062 vs.

The State of Texas.

ON CONSIDERATION of the application for a stay of the execution of the Petitioner in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Forrest Holiday,

Petitioner.

11, Original

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Forrest Holiday,

Petitioner.

11, Original

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Forrest Holiday,

Petitioner.

11, Original

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania, ex rel. George R. Busser,

Petitioner,

1035 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania, ex rel. George R. Busser,

Petitioner,

1035 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary, Philadelphia, Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not filed within the time provided by law.

Per Mr. Chief Justice Stone.

Dewey Gilmore,

Petitioner,

918 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dewey Gilmore,

Petitioner,

918 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Selvie Windfield Wells,

Petitioner,

925 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Selvie Windfield Wells,

Petitioner,

925 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hayward Graham,

Petitioner,

984 vs.

M. F. Amrine, Warden, State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hayward Graham,

Petitioner,

984 vs.

M. F. Amrine, Warden, State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Al Campeau,

Petitioner,

986 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Al Campeau,

Petitioner,

986 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Hartzell West,

Petitioner,

995 vs.

P. E. Mahoney, as Superintendent, Washington State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Hartzell West,

Petitioner,

995 vs.

P. E. Mahoney, as Superintendent,
Washington State Penitentiary.

On petition for writ of certiorari to the Superior Court of the State of Washington, King County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of Washington, King County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alchrist Grant (Alias Pompey)
and Cyrus Pinckney,

Petitioners,

955 vs.

The State of South Carolina.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alchrist Grant (Alias Pompey)
and Cyrus Pinckney,

Petitioners,

955 vs.

The State of South Carolina.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. B. Parker, Director of Agriculture, et al.,

Appellants,

1040 vs.

Porter L. Brown.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mitchell Clifton Anderson, John Edward Simonds, Earl Eubbard, et al.,

Petitioners,

Order allowing certiorari.

852 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

1016 vs.

The Ohio Leather Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1017 vs.

The Strong Manufacturing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1018 vs.

Warren Tool Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Sola Electric Company,

Petitioner,

1029 vs.

Jefferson Electric Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. Counsel are requested to discuss in their briefs and on the argument of this case (1) whether federal or state law applies, and (2) in the event that state law is held to govern, what the applicable state law is.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Owens-Illinois Glass Company,

Petitioner,

985 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this application.

Caribbean Embroidery Cooperative, Inc., Santiago R. Palmer and Magdalena J. Palmer,

Petitioners,

940 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hartford Fire Insurance Company,

Petitioner,

945 vs.

Martin Leithauser, as Administrator of the Estate of P. J. Leithauser, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Southern Life Insurance Company, et al.,

Petitioners,

970 vs.

Joseph Lankston Williams.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lillian I. Randall,

Petitioner,

981 vs.

Labaddie Bottoms River Protection District of Franklin County, Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Federal Power Commission,

Petitioner,

987 vs.

Safe Harbor Water Power Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Josephine V. Hall,

Petitioner,

990 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Eric Fowler,

Petitioner,

994 vs.

Raymond H. Pilson, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northern Mining Corporation,

Petitioner,

996 vs.

Max Trunz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Niles Fire Brick Company,

Petitioner,

998 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Langroise, as Executor of the Will of James McDonald, Jr.,

Petitioner,

1007 vs.

Will Cummings, individually and Will Cummings, as Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Parker and George Moran,

Petitioners,

1013 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles B. Rayner,

Petitioner,

1014 vs.

United North and South Development Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Eisenlord, as Administrator of the Estate of Maude F. Addie, deceased,

Petitioner,

1015 vs.

May Ellis, Myrtle Conlon and Lillie Schufeldt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tampax Incorporated and Tampax Sales Corporation,

Petitioners,

1024 vs.

The Personal Products Corporation, and Isidore H. Schwartz, trading as Highland Pharmacy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Hysler,

Petitioner,

64 vs.

The State of Florida.

The opinion of the Court is amended as follows:

On page 8 of the slip opinion strike out the first five sentences of the first paragraph.

Per Mr. Chief Justice Stone.

Clyde Hysler,

Petitioner,

64 vs.

The State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Stone.

Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased,

Petitioner,

325 vs.

The United States of America, Francis Biddle, as Attorney General of the United States of America, et al.

ON CONSIDERATION of the motion to substitute Leo T. Crowley, Alien Property Custodian, as a party respondent herein in the place and stead of Francis Biddle, Attorney General of the United States,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that Leo T. Crowley, Alien Property Custodian, be, and he is hereby, made a party respondent in this case in the place and

stead of Francis Biddle, Attorney General of the United States.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

Frederick Rodiek, Ancillary Executor of the Estate of Johann Friedrich Hackfeld, Deceased,

Petitioner,

325 vs.

The United States of America, Leo T. Crowley, Alien Property Custodian, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

Samuel Bernstein,

Petitioner,

870 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ted Rogoway,

Petitioner,

884 vs.

The Warden, United States Penitentiary, McNeil Island, Washington.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Wright,

Petitioner,

935 vs.

First Joint Stock Land Bank of Fort Wayne, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Ex parte Martin Wohl and Harry Wohl,

Petitioners.

—, Original

Return to rule to show cause presented.

The United States of America,

Petitioner,

738 vs.

Citizens Loan & Trust Co., Administrator, etc.

Argued by Mr. Wilbur C. Pickett for the Petitioner and by Mr. Camden R. McAtee for the Respondent.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

622 vs.

A. H. Belo Corporation.

Argued by Mr. Solicitor General Fahy for the Petitioner and by Mr. Maurice E. Purnell for the Respondent.

Overnight Motor Transportation Company, Inc.,

Petitioner,

939 vs.

William H. Missel.

Argument commenced by Mr. J. Minian Beall for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 7, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Grayson Chandler Powell, Esquire, of Swainsboro, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alva D. Adams, It is ordered that Lydon F. Maider, Esquire, of Gloversville, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toyo, It is ordered that Walther E. Wyss, Esquire, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that

Neil Killough, Esquire, of Wynne, State of Arkansas; and

Marcus Frederick Fietz, Esquire, of Jonesboro, State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newell W. Ellison, It is ordered that Jack J. Levinson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that

Frank P. Celeste, Esquire, of Cleveland, State of Ohio; and

Mathias J. Walther, Esquire, of Cleveland, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel Campbell Bryan, It is ordered that Ernest W. Maner, Esquire, of Hot Springs National Park, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph R. Bradley, It is ordered that Glenn Earl Baird, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan R. Margold, It is ordered that James Arthur Lanigan, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Ross Gamble, It is ordered that L. Byron Cherry, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Overnight Motor Transportation
Company, Inc.,

Petitioner,

939 vs.

William H. Missel.

Argument continued by Mr. J. Ninian Beall and by Mr. John R. Norris for the Petitioner and concluded by Mr. George A. Mahone for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

708 vs.

Credit Alliance Corporation.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. Newell W. Ellison for the Respondent.

C. H. Cochran,

Petitioner,

510 vs.

The State of Kansas, et al.

Argument commenced by Mr. H. Thomas Austern for the Petitioner and continued by Mr. Jay Kyle for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Lester W. Humphreys, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that James A. Glenn, Esquire, of Coshocton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that Frederick Waldo Reyland, Jr., Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Susan O. Reeves,

Petitioner,

841 vs.

William Beardall, as Executor, etc.

Submitted by Mr. Daniel Burke for the Petitioner and by Mr. Charles R. Scott and Mr. Charles P. Dickinson for the Respondent.

C. H. Cochran,

Petitioner,

510 vs.

The State of Kansas and Milton F. Amrine, Warden, etc.

Argument continued by Mr. Jay Kyle for the Respondents and concluded by Mr. H. Thomas Austern for the Petitioner.

Dewey Brillhart, Administrator, etc.,

Petitioner,

772 vs.

The Excess Insurance Company of America.

Argued by Mr. Clarence C. Chilcott for the Petitioner and by Mr. Dick H. Woods and Mr. Paul R. Stinson for the Respondent.

National Labor Relations Board,

Petitioner,

774 vs.

Nevada Consolidated Copper Corporation.

Argued by Mr. Ernest A. Gross for the Petitioner and by Mr. C. C. Parsons for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Roy V. Harris, Esquire, of Augusta,
State of Georgia;

John J. Tierney, Esquire, of Portland,
State of Maine; and

Asher William Schwartz, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that John F. Meck, Jr., Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carroll L. Beedy, It is ordered that Frank I. Cowan, Esquire, of Portland, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Frederick C. Felty, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Concannon Walsh, It is ordered that

Morton E. Rome, Esquire, of Baltimore, State of Maryland; and

Robert E. Clapp, Jr., Esquire, of Frederick, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., et al.; and

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

Motion for leave to file brief of American Optical Company, as amicus curiae, submitted by Mr. S. Milton Simpson.

The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., et al.; and

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file brief of the American Optical Company as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Jack T. Skinner,

Petitioner,

782 vs.

The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma.

Submitted by Mr. W. J. Hulsey, Mr. H. I. Aston, and Mr. Guy L. Andrews for the Petitioner and by Mr. Mac Q. Williamson for the Respondent.

The United States of America,

Appellant,

723 vs.

The Masonite Corporation, et al.

Argued by Mr. Hugh B. Cox for the Appellant; by Mr. Charles H. Tuttle for the Appellee, Masonite Corporation; and concluded by Mr. Andrew J. Dallstream for the Appellees, Celotex Corporation, et al.

The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., et al.; and

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

Argument commenced by Mr. Samuel S. Isseks for the United States and continued by Mr. H. A. Toulmin, Jr., for The Univis Lens Co., Inc., et al., and by Mr. Assistant Attorney General Arnold for the United States in these cases and the Appellant in No. 723.

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O R D E R.

The Court will take a recess at the conclusion of the argument in case No. 872 until Monday, April 27, next.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, APRIL 10, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Abraham H. Frisch, It is ordered that Bertram S. Nayfack, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellsworth C. Alvord, It is ordered that Paul B. Jessup, Esquire, of Wallace, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Henry Hofheimer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Charles C. Evans, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Elison Perry, It is ordered that William A. Porteous, Jr., Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solomon Alpher; It is ordered that Benjamin P. Rossner, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Hammond, It is ordered that James K. Rankin, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rockwell T. Gust, It is ordered that David A. Howell, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

723 vs.

The Masonite Corporation, et al.;

The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., et al.; and

The Univis Lens Company, Inc., et al.,

Appellants,

856 vs.

The United States of America.

Argument concluded by Mr. Assistant Attorney General Arnold for the United States.

Wilmington Trust Company, Executor, etc.,

Petitioner,

775 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. William S. Potter for the Petitioner and by Mr. Richard H. Demuth for the Respondent.

The Sioux Tribe of Indians,

Petitioner,

798 vs.

The United States.

Argued by Mr. Ralph H. Case for the Petitioner and by Mr. Solicitor General Fahy for the Respondent.

The United States of America,

Petitioner,

799 vs.

William R. Johnson; and

The United States of America,

Petitioner,

800 vs.

Jack Sommers, et al.

Argument commenced by Mr. Arnold Raum for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, APRIL 13, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Francis Biddle, It is ordered that Robert V. Massey, Jr., Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Smith, It is ordered that

E. W. Moise, Esquire, of Atlanta, State of Georgia; and

Cyrus S. Gentry, Esquire, of Pleasantville, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis G. Arnall, It is ordered that Emil Jackson Clower, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that William Harrell Humphrey, Jr., Esquire, of

Lumberton, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that James Gwaltney Westwarren MacClamroch, Esquire, of Greensboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob S. Guthman, It is ordered that Hannah Scher Siegel, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. J. Leonard Townsend, It is ordered that Douglas M. Orr, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Edward S. Seidman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Gregg Cartage & Storage Company, Hugh Wells, Trustee in Bankruptcy of the Gregg Cartage & Storage Company, and Northeastern Transportation Company,

Appellants,

535- vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Byrnes join.

M. Hampton Magruder, Collector of Internal Revenue,

Petitioner,

601 vs.

Washington, Baltimore and Annapolis Realty Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Safe Deposit and Trust Company of Baltimore, Trustee Under Wills of R. J. Reynolds and Katharine S. Johnston, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Opinion by the Chief Justice, Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Byrnes concurring in part and dissenting in part, announced by Mr. Justice Roberts.

Lewis J. Valentine, Individually and as Police Commissioner of the City of New York,

Petitioner,

vs.

F. J. Chrestensen.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

707

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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The Chief Justice announced the following orders of the Court:

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The Schenectady Union Publishing Company,

Petitioner,

vs.

Martin L. Sweeney.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

745

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed, with costs, by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of New York.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Ernest E. Moore, Doing Business as Moore Motor Freight Lines,

Appellant,

1074 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the District of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Minnesota, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In re Disbarment of John Duggan, Jr.

No. —

O R D E R.

It having been reported to the Court that John Duggan, Jr., admitted to the bar of this Court from Uniontown, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

IT IS ORDERED that the said John Duggan, Jr., be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

Ex parte Martin Wohl, et al., Petitioners.

—, Original

On motion for leave to file a petition for writ of prohibition and rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition and the return to the rule to show cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, and that the rule to show cause, be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

Jack T. Skinner,

Petitioner,

782 vs.

The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma.

This case is restored to the docket for oral argument. The Attorney General of Oklahoma, or his representative, is requested to participate in the oral argument.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

238 vs.

State of New York; and

State of New York,

Petitioner,

251 vs.

The United States of America.

Ordered that the opinion in these cases be amended as follows:

Strike from line 12 of page 7, the phrase "the sum of the assets available" and insert "the total of such claims."

Per Mr. Chief Justice Stone.

Thomas D. Aiken, et al.,
Petitioners,
821 vs.
Samuel Insull, Jr., et al.; and

DeMet's, Incorporated, et al.,
Petitioners,
822 vs.
Samuel Insull, et al.

ON CONSIDERATION of the motion to grant the relief requested in alternative motion filed March 13, 1942, in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Bernard Paul Coy,
Petitioner,
973 vs.
The United States of America, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Bernard Paul Coy,

Petitioner,

973 vs.

The United States of America,
et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. Counsel are requested to discuss whether the time for appeal to the Circuit Court of Appeals and for petition for certiorari to this Court are governed by the Rules in Criminal Cases, and, if not, what statute applies.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

McKinley Morris,

Petitioner,

1062 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

McKinley Morris,

Petitioner,

1062 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. J. Hendry Company and Frank Sematovich,

Appellants,

1083 vs.

E. C. Moore, et al., as the Fish and Game Commission of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

C. J. Hendry Company and Frank Sematovich,

Appellants,

1083 vs.

E. C. Moore, et al., as the Fish and Game Commission of the State of California.

Appeal from the Supreme Court of the State of California.

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

982 vs.

Fred J. Rice and W. Cameron Burton, Receivers for D. C. Engineering Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Adriano Merlano Bersia, Carlo Novella, Ernesto Viani, et al.,

Petitioners,

1009 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Paolo Pieraccini, Carlo Sagliotto, Alberto Zappala, et al.,

Petitioners,

1010 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Luigi Schiaffino, Paolo Caltafiano, Lorenso Barzelatto, et al.,

Petitioners,

1011 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles T. Bach and Girard Trust Company, Executors U/W Anthony J. Drexel, Deceased,

Petitioners,

1019 vs.

Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania.

ON CONSIDERATION of the motion to defer consideration of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles T. Bach and Girard Trust Company, Executors U/W Anthony J. Drexel, Deceased,

Petitioners,

1019 vs.

Walter J. Rothensies, Individually and as United States Collector of Internal Revenue for the First District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Gerke, James T. Brown, Gerald R. Wade, et al.,

Petitioners,

961 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edwin L. Wiegand Company and Edwin L. Wiegand,

Petitioners,

991 vs.

Harold E. Trent Company and Harold E. Trent.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norristown Box Company,

Petitioner,

993 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Antoinette Coviello,

Petitioner,

997 vs.

New York Central Railroad Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Bohnke and Mrs. Henry T. (Eloise) Brown,

Petitioners,

1005 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court of Suffolk County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of Suffolk County, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. McDonald, J. R. Mason and Mary E. Morris,

Petitioners,

1008 vs.

Banta Carbona Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Warren Eldreth Green,

Petitioner,

1022 vs.

Donald W. McLaren, Major, United States Army.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiomri herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milk & Ice Cream Drivers and Dairy Employees Union, Local No. 225, et al.,

Petitioners,

1023 vs.

Wisconsin Employment Relations Board, et al.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chestnut Securities Company,

Petitioner,

1056 vs.

Oklahoma Tax Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of Puerto Rico,

Petitioner,

95 vs.

Russell & Co., S. en C.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lester A. Crancer, et al., Co-partners, Doing Business Under the Firm Names of Valley Steel Products Company, et al.,

Petitioners,

505 vs.

Frank C. Lowden, et al., Trustees, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles and Frances N. Viles,

Petitioners,

932 vs.

The Prudential Insurance Company of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

644 vs.

Cement Investors, Inc.;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

645 vs.

James Q. Newton Trust;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

646 vs.

James Q. Newton, Jr.;

American Chicle Company,

Petitioner,

913 vs.

The United States;

Northern Pacific Railway Company, et al.,

Appellants,

927 vs.

The United States of America, et al.;

M. Hampton Magruder, Collector of Internal Revenue, etc.,

Petitioner,

947 vs.

Frederick M. Supplee, et al.;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1016 vs.

The Ohio Leather Company;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1017 vs.

The Strong Manufacturing Company; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1018 vs.

Warren Tool Company.

IT IS ORDERED that these cases be, and they are hereby, transferred to the Summary Docket. (See Rule 7, paragraph 5, and Rule 23, paragraphs 3 and 6.)

Per Mr. Chief Justice Stone.

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Standard Oil Company of California,

Appellant,

1125 vs.

Charles G. Johnson, as Treasurer of the State of California.

Motion to advance submitted by Mr. Earl Warren and Mr. H. H. Linney for the Appellee.

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The United States of America,

Petitioner;

799 vs.

William R. Johnson; and

The United States of America,

Petitioner,

800 vs.

Jack Sommers, et al.

Argument continued by Mr. Arnold Raum for the Petitioner and concluded by Mr. Floyd E. Thompson for the Respondents.

Federal Trade Commission,

Petitioner,

826 vs.

Raladam Company.

Argued by Mr. Robert L. Stern for the Petitioner and by Mr. Rockwell T. Gust for the Respondent.

Smith Betts,

Petitioner,

837 vs.

Patrick J. Brady, Warden, etc.

Argument commenced by Mr. Jesse Slingluff, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 14, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hiram W. Johnson, It is ordered that Theodore Hollis Roche, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roscoe Rizley, It is ordered that Wilbur Wilson, Esquire, of Norman, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Neil Andrews, It is ordered that Alfred John Martin, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Gilligan, It is ordered that

James Alexander Crooks, Esquire, of Washington, District of Columbia; and

Frank Edward Scribener, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that Douglas L. King, Esquire, of Riverside, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Standard Oil Company of California,

Appellant,

1125 vs.

Charles G. Johnson, as Treasurer of the State of California.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

The motion to advance is granted and the case is assigned for argument on Monday, May 4th, next.

Per Mr. Chief Justice Stone.

Walter G. Query, et al., as Members of and Constituting the South Carolina Tax Commission,

Petitioners,

619 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

The order of this Court dated November 17, 1941, denying certiorari in this case is vacated. The petition for writ of certiorari herein is granted, and the case is assigned for argument on Monday, May 4th, next, immediately following No. 1125, Standard Oil Co. of California vs. Johnson, as Treasurer of the State of California.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harry Braverman,

Petitioner,

1027 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Allen Wainer,

Petitioner,

1028 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

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Smith Betts,

Petitioner,

837 vs.

Patrick J. Brady, Warden, etc.

Argument continued by Mr. Jesse Slingluff, Jr., for the Petitioner; by Mr. William C. Walsh and Mr. Robert E. Clapp, Jr., for the Respondent; and concluded by Mr. G. Van Velsor Wolf for the Petitioner.

State of Georgia,

Petitioner,

872 vs.

Hiram W. Evans, et al.

Argued by Mr. Ellis G. Arnall for the Petitioner and by Mr. Edwin W. Moise for the Respondents.

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Proclamation being made the Court is adjourned until Monday, April 27, next, at 12 o'clock.

MONDAY, APRIL 27, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that

Gerhard Van Arkel, Esquire, of Boston, State of Massachusetts; and

Lawrence F. Daly, Esquire, of Milwaukee, State of Wisconsin;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that

Richard M. Davis, Esquire, of Denver, State of Colorado; and

James Quigg Newton, Jr., Esquire, of Denver, State of Colorado;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin William Silverman, It is ordered that David Bolton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vance Plauche, It is ordered that

Alexander McF. Mood, Esquire, of Fort Worth,
State of Texas; and

L. A. Goudeau, Esquire, of Baton Rouge,
State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Marvin T. Swann, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Scott W. Lucas, It is ordered that Marshal I. McMahon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin Norr, It is ordered that Edward Rubin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that

Orson H. Matthews, Esquire, of Salt Lake City,
State of Utah;

Roland Johnson Christy, Esquire, of Philadelphia,
State of Pennsylvania;

D. Barlow Burke, Esquire, of Philadelphia,
State of Pennsylvania; and

Edward J. Griffiths, Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solomon Alpher, It is ordered that William Mazo, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Miles Henninger, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Sydney A. Lurie, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard E. Shands, It is ordered that Stephen H. Hart, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Wilmington Trust Company, Executor of Alice DuPont Ortiz, Deceased,

Petitioner,

775 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

City of Chicago, a Municipal Corporation, Board of Health of the City of Chicago, et al., Petitioners, vs. Fieldcrest Dairies, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

706

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with directions to retain the bill pending a determination of proceedings in the state court in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts concurs in the result.

The State Tax Commission of Utah, Petitioner, vs. Malcolm P. Aldrich and Mary S. Harkness, Administrators with the Will Annexed of the Estate of Edward S. Harkness, Deceased. — On writ of certiorari to the Supreme Court of the State of Utah.

814

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts concurs.

State of Georgia,

Petitioner,

872 vs.

Hiram W. Evans, John W. Greer, Jr., American Bitumuls Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Black concurs in the result.

Dissenting opinion by Mr. Justice Roberts.

Municipal Investors Association,

Appellant,

755 vs.

City of Birmingham, a Municipal Corporation, et al.

Appeal from the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Milcor Steel Company, Petitioner, vs. George A. Fuller Company, Neff Lathing Company, Inc., and Conver Steel & Wire Company, Inc.

720

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Black.

Federal Trade Commission, Petitioner, vs. Raladam Company.

826

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to affirm the order of the Federal Trade Commission.

Per Mr. Justice Black.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

708 vs.

Credit Alliance Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas.

Dr. Maximilian Goldstein, Dr. Benjamin Schwartz, Herman Rubin and Irving Elentuch,

Petitioners,

256 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Roberts.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which the Chief Justice and Mr. Justice Frankfurter join.

Martin M. Goldman,

Petitioner,

962 O.T. 1940 vs.

The United States of America;

Jacob P. Shulman,

Petitioner,

963 O.T. 1940 vs.

The United States of America; and

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Roberts.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Mr. Chief Justice Stone and Mr. Justice Frankfurter: Had a majority of the Court been willing at this time to overrule the Olmstead case, we should have been happy to join them. But as they have declined to do so, and as we think this case is indistinguishable in principle from Olmstead's, we have no occasion to repeat here the dissenting views in that case with which we agree.

Dissenting opinion by Mr. Justice Murphy.

Prudence Realization Corporation, Petitioner, vs. A. Joseph Geist, Trustee. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

757

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

H. J. Gorman, City Treasurer of Kansas City, Missouri, and Frank McCabe, City Assessor of Kansas City, Missouri, Petitioners, vs. The Washington University. — On writ of certiorari to the Supreme Court of the State of Missouri.

711

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Harmon Metz Waley,

Petitioner,

1006 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harmon Metz Waley,

Petitioner,

Order allowing certiorari.

1006 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Harmon Metz Waley,

Petitioner,

1006 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for a hearing in conformity to Walker vs. Johnston, 312 U.S. 275.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

National Labor Relations Board, Petitioner, vs. Nevada Consolidated Copper Corporation. 774

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to enforce the Board's order, but with the modification proposed by the Board to conform to the decision of this Court in Republic Steel Corp. vs. Labor Board, 311 U.S. 7.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following order of the Court:

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Eddie J. Viator,

Appellant,

1113 vs.

State Tax Commission, A. H. Stone, Chairman and J. E. Davis, Excise Commissioner.

ON CONSIDERATION of the motion for leave to file an amended statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Eddie J. Viator, Appellant, Appeal from the Supreme Court of the State of Mississippi.

1113 vs.

State Tax Commission, A. H. Stone, Chairman and J. E. Davis, Excise Commissioner.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Eddie J. Viator, Appellant, Appeal from the Supreme Court of the State of Mississippi.

1113 vs.

State Tax Commission, A. H. Stone, Chairman and J. E. Davis, Excise Commissioner.

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Nathan Rosenberg,

Petitioner.

No. —

ON CONSIDERATION of the motion to direct the Clerk to amend the roll of attorneys to show the change of name of Nathan Rosenberg to "Nathan Rosenberg Rogers",

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Harold Glass,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Emmet H. Bozel,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James R. Blood,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Ward,

Petitioner,

974 vs.

State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Ward,

Petitioner,

Order allowing certiorari.

974 vs.

State of Texas.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted, and the case is assigned for argument on Tuesday, May 5th, next.

AND IT IS FURTHER ORDERED that the duly certified copy of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

1059 vs.

State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

Order allowing certiorari.

1059 vs.

State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary.

The petition herein for a writ of certiorari to the Supreme Court of the State of Kansas is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elmer Bentley Pickens,

Petitioner,

926 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elmer Bently Pickens,

Petitioner,

926 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ella H. Tinkoff, Debtor, and Payson Tinkoff, Creditor-Claimant,

Petitioners,

1030 vs.

Ben Gold, Trustee of Ella H. Tinkoff, Debtor, David Storage and Moving Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ella H. Tinkoff, Debtor, and Payson Tinkoff, Creditor-Claimant,

Petitioners,

1030 vs.

Ben Gold, Trustee of Ella H. Tinkoff, Debtor, David Storage and Moving Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam McGrew,

Petitioner,

1032 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam McGrew,

Petitioner,

1032 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lemphis Jones, Alias Fred Jones,

Petitioner,

1053 vs.

Joseph H. Brophy, as Warden of Auburn State Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lemphis Jones, Alias Fred Jones,

Petitioner,

1053 vs.

Joseph H. Brophy, as Warden of Auburn State Prison.

On petition for writ of certiorari to the County Court of Cayuga County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of Cayuga County, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bert Meredith,

Petitioner,

1099 vs.

Milton F. Amrine, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bert Meredith,

Petitioner,

1099 vs.

Milton F. Amrine, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

960 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

960 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur R. McCleary,

Petitioner,

1043 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur R. McCleary,

Petitioner,

1043 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles D. Rodgers,

Petitioner,

1061 vs.

Walter B. Martin, as Warden of Clinton Prison, Dannemora, N. Y.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles D. Rodgers,

Petitioner,

1061 vs.

Walter B. Martin, as Warden of Clinton Prison, Dannemora, N. Y.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1054 vs.

John Stuart.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1055 vs.

R. Douglas Stuart.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is placed on the Summary Docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Frederick H. Ecker, John W. Stedman and Reeve Schley, Constituting the Institutional Bondholders Committee,

Petitioners,

819 vs.

Western Pacific Railroad Corporation, A. C. James Co., The Railroad Credit Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Crocker First National Bank of San Francisco and Samuel Armstrong, as Trustees Under The Western Pacific Railroad Company First Mortgage, Dated June 26, 1916,

Petitioners,

Order allowing certiorari.

820 vs.

Western Pacific Railroad Corporation, Western Pacific Railroad Company, Irving Trust Company, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Western Pacific Railroad Company,

Petitioner,

Order allowing certiorari.

885 vs.

Frederick H. Ecker, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Reconstruction Finance Corporation,

Petitioner,

Order allowing certiorari.

989 vs.

Western Pacific Railroad Corporation, A. C. James Co., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Irving Trust Company, as Substituted Trustee Under the General and Refunding Mortgage of the Western Pacific Railroad Company,

Petitioner,

1086 vs.

Crocker First National Bank of San Francisco, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

B. B. Guy, Jr.,

Petitioner,

1076 vs.

Missouri Pacific Railroad Company and Guy A. Thompson, Trustee of Missouri Pacific Railroad Company, Debtor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Arkansas is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William A. Adams, Warden of the City Prison of Manhattan, and James E. Mulcahy, United States Marshal,

Petitioners,

1169 vs.

The United States of America, ex rel. Gene McCann.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument on Tuesday, May 5th, next.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Illinois Northern Utilities Company,
Petitioner,
vs.
City of Geneseo, Illinois, and Illinois Commerce Commission.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1068

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Central Illinois Electric and Gas Company,
Petitioner,
vs.
Village of Heyworth, Illinois, and Illinois Commerce Commission.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1069

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Otto Refior,

Petitioner,

1106 vs.

Lansing Drop Forge Company, a Michigan Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration and decision of this application.

Legh R. Powell and Henry W. Anderson, as Receivers of the Properties of Seaboard Air Line Railway Company,

Petitioners,

1021 vs.

Maryland Trust Company, as Successor Trustee under the First Mortgage of Seaboard Air Line Railway dated April 14, 1900.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The New York Trust Company, as Surviving Trustee of Seaboard Air Line Railway Refunding Mortgage,

Petitioner,

1075 vs.

Maryland Trust Company, as Successor Trustee under Seaboard Air Line Railway First Mortgage.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dakota Tractor and Equipment Company,

Petitioner,

1033 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard E. Marine,

Petitioner,

1034 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Bridgeport City Trust Company and Arthur E. Alling, Executors of the Estate of Noyes E. Alling,

Petitioners,

1037 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Farm Bureau Mutual Automobile Insurance Company,

Petitioner,

1044 vs.

Rose Violano, Administratrix and J. Alan Partridge.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Associated Hospital Service Corporation of Massachusetts,

Petitioner,

1047 vs.

Thomas B. Hassett, Former Acting Collector.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Federal Deposit Insurance Corporation, Receiver of Parksley National Bank,

Petitioner,

1049 vs.

S. C. White, A. J. Rew, G. Walter Mapp, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

B. W. Coyle, C. G. Long, Mary St. Clair, et al.,

Petitioners,

1050 vs.

W. B. Skirvin, individually and as President, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. J. Johnson, et al.,

Petitioners,

1051 vs.

Kersh Lake Drainage District, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Midland Cooperative Wholesale, Inc.,

Petitioner,

1058 vs.

Harold L. Ickes, Secretary of the Interior, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Massachusetts Bonding & Insurance Company,

Petitioner,

1066 vs.

Mrs. E. S. Massey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Udox N. Hankins, Receiver of the Imperial Life Insurance Company,

Petitioner,

983 vs.

The United States of America.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
1038 vs.
American National Bank and Trust Company of Chicago, Administrator, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
1039 vs.
Anna Shepanek, individually and as Administratrix of the Estate of William Babicz, etc..

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
1090 vs.
Pearlie Lawson, Administratrix of the Estate of Hobart Lawson, deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Carlisle Baskin, Petitioner,

1041 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. A. Nailling, Petitioner,

1042 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Frank Hogue, Petitioner,

1052 vs.

Clinton T. Duffy, Warden, San Quentin Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Inland Steel Company,

Petitioner,

1057 vs.

Foreman M. Lebold and Samuel N. Lebold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert I. Cassell,

Petitioner,

1077 vs.

Howard University, a Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Electric Products Corporation,

Petitioner,

1078 vs.

Triangle Conduit & Cable Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Pennsylvania Railroad Company,

Petitioner,

1095 vs.

P. L. Miller.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

ON CONSIDERATION of the motion for leave to file brief of the National Lawyers Guild as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carpenters and Joiners Union of America, Local No. 213, et al.,

Petitioners,

527 vs.

Ritter's Cafe, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James deWindt and Mabel deWindt,

Plaintiffs,

—, Original vs.

State of South Carolina.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Jessie Miles, et al.,

Petitioners,

272 vs.

Illinois Central Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

588 vs.

Electric Vacuum Cleaner Company, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

U. S. Industrial Chemicals, Inc.,

Petitioner,

680 vs.

Carbide and Carbon Chemicals Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Selvie Windfield Wells,

Petitioner,

925 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Genzo Shimadzu and Northeastern Engineering Corporation,

Petitioners,

965 vs.

The Electric Storage Battery Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Southern Life Insurance Company, et al.,

Petitioners,

970 vs.

Joseph Lankston Williams.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth of Pennsylvania, ex rel. Alfred Maurice,

Petitioner,

978 vs.

Herbert A. Smith, Warden, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Al Campeau,

Petitioner,

986 vs.

Milton F. Amrine, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Parker and George Moran,

Petitioners,

1013 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Claude R. Wickard, Secretary of Agriculture of the United States, et al.,

Appellants,

1080 vs.

Roscoe C. Filburn.

ON CONSIDERATION of the motion for leave to file brief of William Lemke and others as amici curiae in this case and of the motion for leave to participate in the oral argument,

IT IS ORDERED by this Court that the motion for leave to file brief as amici curiae be, and the same is hereby, granted, and that the motion for leave to participate in the oral argument be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

644 vs.

Cement Investors, Inc.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. Stephen H. Hart for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

645 vs.

James Q. Newton Trust; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

646 vs.

James Q. Newton, Jr.

Argued by Mr. Assistant Attorney General Clark for the Petitioner and by Mr. Richard M. Davis for the Respondents.

Mary W. Stewart, et al.,

Petitioners,

848 vs.

The United States of America.

Argument commenced by Mr. Robert L. Lipman for the Petitioners and continued by Mr. Allan P. Matthew for the Petitioners and by Mr. Richard H. Demuth for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 28, 1942.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Jack F. McQuade, Esquire, of Moscow, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Verling C. Enteman, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Gordon Merritt, It is ordered that Henry Clifton, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Challen B. Ellis, It is ordered that Richard W. Hall, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Talcott M. Banks, Jr., It is ordered that

William Joseph Webb, Esquire, of Mayfield,
State of Kentucky; and

Robert Edward Webb, Esquire, of Mayfield,
State of Kentucky;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Wales, It is ordered that Roland Kidder Smith, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Jackson, It is ordered that Andrew F. Oehmann, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

* On motion first made to the Court in this behalf by Mr. Paul V. Connolly, It is ordered that Charles J. Connolly, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. White, It is ordered that Wayne H. Smith, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred A. Steiner, It is ordered that Robert F. Higley, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Walter A. Meador, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

* Address on Roll Book "Washington, D.C." changed at time of signing to "Cincinnati, Ohio" by applicant personally. (See list in rough Minutes.)

On motion first made to the Court in this behalf by Mr. Roy C. Frank, It is ordered that Ernest N. Votaw, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mary W. Stewart, et al.,

Petitioners,

848 vs.

The United States of America.

Argument continued by Mr. Richard H. Demuth for the Respondents and concluded by Mr. Robert L. Lipman for the Petitioners.

Faitoute Iron & Steel Company, et al.,

Appellants,

896 vs.

City of Asbury Park, a municipal corporation of the State of New Jersey.

Argued by Mr. Arthur T. Vanderbilt for the Appellants and by Mr. Ward Kremer for the Appellee.

A. B. Kirschbaum Company,

Petitioner,

910 vs.

Philip B. Fleming, Administrator, etc.

Motion for leave to substitute party respondent submitted by Mr. William Clarke Mason for the Petitioner.

A. B. Kirschbaum Company,

Petitioner,

910 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party Respondent herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

A. B. Kirschbaum Company,

Petitioner,

910 vs.

L. Metcalfe Walling, Administrator, etc.

Argument commenced by Mr. William Clarke Mason for the Petitioner and continued by Mr. Solicitor General Fahy for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, APRIL 29, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Charles J. Zinn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Rufus A. Horn, Esquire, of Tallassee, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Soterios Nicholson, It is ordered that Halbert W. Dodd, Esquire, of West Frankfort, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that

Max A. Mandel, Esquire, of Laredo, State of Texas; and

John P. Blair, Esquire, of Beaumont, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Weiss, It is ordered that Arthur G. Klein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert Wechsler, It is ordered that Santos P. Amadeo, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Meldrim Thomson, Jr., Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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W. A. Nailling,

Petitioner,

1042 vs.

The United States of America.

Motion to withhold order denying certiorari submitted by Mr. L. E. Gwinn for the Petitioner.

W. A. Nailling,

Petitioner,

1042 vs.

The United States of America.

ON CONSIDERATION of the motion to withhold the issuance of the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the issuance of the order is withheld until May 11th, next.

Per Mr. Chief Justice Stone.

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A. B. Kirschbaum Company,

Petitioner,

910 vs.

L. Metcalfe Walling, Administrator, etc.

Argument continued by Mr. Solicitor General Fahy for the Respondent and concluded by Mr. William Clarke Mason for the Petitioner.

Arsenal Building Corporation and Spear & Co., Inc.,

Petitioners,

924 vs.

L. Metcalfe Walling, Administrator, etc.

Argued by Mr. Walter Gordon Merritt for the Petitioners and by Mr. Solicitor General Fahy for the Respondent.

American Chicle Company,

Petitioner,

913 vs.

The United States.

Argued by Mr. Erwin N. Griswold for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

Northern Pacific Railway Company, et al.,

Appellants,

927 vs.

The United States of America, et al.

Argument commenced by Mr. J. P. Plunkett for the Appellants and continued by Mr. Smith R. Brittingham, Jr., for the Appellees, The United States and Interstate Commerce Commission.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that

Spurgeon E. Bell, Esquire, of Austin, State of Texas; and

Pat Coon, Esquire, of Austin, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Hal P. Rachal, Esquire, of Corpus Christi, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David J. Coddaire, It is ordered that Richard C. Sheppard, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan C. Maxwell, It is ordered that

Wm. A. McRae, Jr., Esquire, of Jacksonville,
State of Florida; and

F. Cleveland Hedrick, Jr., Esquire, of Jacksonville,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Helm, It is ordered that Millard W. Cron, Esquire, of Gallatin, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Shannon, It is ordered that William Bryant Spohn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Consedine, It is ordered that Joseph L. Borda, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Kelly L. Taulbee, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith R. Brittingham, Jr., It is ordered that Joseph A. Solovei, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Henry Allen Hill,

Petitioner,

1119 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Allen Hill,

Petitioner,

1119 vs.

The State of Texas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Texas is granted, and the case is assigned for argument on Monday, May 11, next.

Execution of the judgment of Criminal District Court No. 2, Dallas County, Texas, is stayed pending the final disposition of the case by this Court.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Northern Pacific Railway Company, et al.,

Appellants,

927 vs.

The United States of America, et al.

Argument concluded by Mr. Smith R. Brittingham, Jr., for the Appellees, The United States and Interstate Commerce Commission, and case submitted by Mr. Neal E. Williams for The Public Service Commission of North Dakota, et al.

M. Hampton Magruder, Collector of Internal Revenue,

Petitioner,

947 vs.

Frederick M. Supplee, et al.

Argued by Mr. Douglass B. Maggs for the Petitioner and by Mr. Nathan J. Felsenberg for the Respondents.

Charles Jobin,

Appellant,

966 vs.

The State of Arizona.

Argued by Mr. Hayden C. Covington for the Appellant. No appearance for the Appellee.

Lois Bowden and Zada Sanders,

Petitioners,

314 vs.

City of Fort Smith, Arkansas.

Argued by Mr. Osmond K. Fraenkel and by Mr. Hayden C. Covington for the Petitioners. No appearance for the Respondent.

National Broadcasting Company, Inc., et al.,

Appellants,

1025 vs.

The United States of America, et al.

Motion for a temporary restraining order submitted by Mr. John T. Cahill for the Appellants.

National Broadcasting Company,
Inc., et al.,

Appellants,

1025 vs.

The United States of America,
et al.

Argument commenced by Mr. John T. Cahill for the Appellants and continued by Mr. Telford Taylor for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MAY 1, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that

Jane Mapes Pierce, of Grand Rapids, (Mrs.)
State of Michigan; and

Robert L. Pierce, Esquire, of Ann Arbor,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Hughes, Jr., It is ordered that

Francis C. Reed, Esquire, of New York,
State of New York;

Richard W. Hogue, Jr., Esquire, of New York,
State of New York;

Leighton Homer Surbeck, Esquire, of New York,
State of New York;

Joseph H. Ream, Esquire, of New York,
State of New York; and

J. Cookman Boyd, Jr., Esquire, of Baltimore,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that Robert D. Flory, Esquire, of Columbus, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Demuth, It is ordered that Henry Gardner Ingraham, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry N. Routzohn, It is ordered that Robert S. Nevin, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that E. K. Gubin, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that George C. Sharp, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Lisle R. Van Burgh, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Dell King Steuart, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Robert L. Peyton,

Petitioner,

903 vs.

Railway Express Agency, Inc., et al.

Submitted by Mr. Robert L. Peyton, pro se, and by Mr. Harry S. Marx and Mr. Charles C. Evans for the Respondents.

National Broadcasting Company, Inc., et al.,

Appellants,

1025 vs.

The United States of America, et al.

Argument concluded by Mr. Telford Taylor for the Appellees, The United States of America and Federal Communications Commission.

Columbia Broadcasting System, Inc.,

Appellant,

1026 vs.

The United States of America, et al.

Motion for temporary restraining order submitted by Mr. Charles E. Hughes, Jr., for the Appellant.

Columbia Broadcasting System, Inc.,

Appellant,

1026 vs.

The United States of America, et al.

Argued by Mr. Charles E. Hughes, Jr., for the Appellant; by Mr. Telford Taylor for the Appellees, The United States of America and Federal

Communications Commission; and by Mr. Louis G. Caldwell for the Appellee, Mutual Broadcasting System, Inc.

Chrysler Corporation, et al.,

Appellants,

1036 vs.

The United States of America.

Argument commenced by Mr. Nicholas Kelley for the Appellants and continued by Mr. Albert Holmes Baldridge for the Appellee.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

MONDAY, MAY 4, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen W. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

James E. Fahey, Esquire, of Louisville,
State of Kentucky;

Julius Schlezinger, Esquire, of Columbus,
State of Ohio; and

Jerome C. Strumpf, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that

Strother P. Walton, Esquire, of Fresno,
State of California; and

George Levin Aynesworth, Esquire, of Fresno,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jed Johnson, It is ordered that Walton Stanley Allen, Esquire, of Marlow, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph L. Weiner, It is ordered that Herman Horowitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Elmer S. Tackett, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Frank W. DeFriece, Esquire, of Bristol, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Shields, It is ordered that Walter S. Smith, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James N. Littlehales, It is ordered that Norman E. H. Deletzke, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of This Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ethel M. Oats, It is ordered that Mildred Oats, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Hartwell H. Linney, It is ordered that Adrian A. Kragen, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Walker, It is ordered that Ernest Roy Gilpin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Gaffney, It is ordered that Manuel Levine, Esquire, of Brookline, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Miller, It is ordered that Warren M. Caro, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Gregory Bruce, It is ordered that Richard P. Dietzman, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Gaffney, It is ordered that Gabriel A. Namen, Esquire, of Worcester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Carter Fort, It is ordered that Daniel P. Loomis, Esquire, of Cranford, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence F. Daly, It is ordered that Nora B. Padway, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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Swift and Company, et al., Appellants,

595 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which the Chief Justice and Mr. Justice Murphy join.

The United States of America, Petitioner,

738 vs.

Citizens Loan & Trust Company, Administrator de bonis non of the Estate of Joseph Kelly Kerr, Deceased.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for reinstatement of its judgment in conformity with the opinion of this Court.

Per Mr. Justice Byrnes.

Mishawaka Rubber and Woolen Manufacturing Company,

Petitioner,

649 vs.

S. S. Kresge Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and th this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for the entry of a decree in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

The Chief Justice and Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

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The Chief Justice announced the following orders of the Court:

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The State Tax Commission of Utah and Oliver G. Ellis, State Treasurer of the State of Utah,

Petitioners,

815 vs.

Alvin Untermyer, Irwin Untermyer, and Samuel Untermyer, 2d, Executors of the Estate of Samuel Untermyer, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Utah is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The State Tax Commission of Utah and Oliver G. Ellis, State Treasurer of the State of Utah,

Petitioners,

vs.

815

Alvin Untermyer, Irwin Untermyer, and Samuel Untermyer, 2d, Executors of the Estate of Samuel Untermyer, Deceased.

On writ of certiorari to the Supreme Court of the State of Utah.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Board of Trustees of the Town of Cebolleta Land Grant,

Appellant,

vs.

1160

L Bar Cattle Company, Inc.

Appeal from the Supreme Court of the State of New Mexico.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Mexico, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Board of Trustees of the Town of Cebolleta Land Grant,

Appellant,

vs.

1160

L Bar Cattle Company, Inc.

Appeal from the Supreme Court of the State of New Mexico.

TREATING the appeal papers herein from the Supreme Court of the State of New Mexico as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

IT IS ORDERED by this Court that the bond of the Marshal, Thomas E. Waggaman, dated May 2, 1942, be, and the same is, this day approved and recorded.

Per Mr. Chief Justice Stone.

Which said bond is in the following words and figures, viz:

"KNOW ALL MEN BY THESE PRESENTS: That THOMAS E. WAGGAMAN, of Alexandria, Virginia, as Principal, and the THE FIDELITY AND CASUALTY COMPANY OF NEW YORK, as Surety, are held and firmed bound unto the UNITED STATES OF AMERICA in the penal sum of TWENTY THOUSAND DOLLARS ($20,000.00), lawful money of the United States to be paid to the said United States, or their certain attorney, which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, and assigns, firmly by these presents.

"Sealed with our seals and dated this second day of May, 1942.

"WHEREAS, the above bounden THOMAS E. WAGGAMAN, hath been appointed Marshal of the Supreme Court of the United States;

"NOW, THEREFORE, the condition of the above obligation is such that if the said THOMAS E. WAGGAMAN shall faithfully discharge the duties of his said office, and shall well and faithfully

keep, disburse pay over and account for according to law, the moneys that may come into his hands as such Marshal aforesaid, then this obligation to be void, otherwise to remain in full force and virtue in law.

WITNESSES:

Frances P. Stanley — Thomas E. Waggaman (seal)

THE FIDELITY AND CASUALTY COMPANY of NEW YORK

Lee A. Glascock — By George A. Griffin (seal)
George A. Griffin-Attorney

The within and foregoing bond is hereby approved as to form, the sufficiency of the amount thereof and the sufficiency of the Surety thereon.

Harlan F. Stone
Chief Justice of the United States."

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O R D E R.

IT IS ORDERED that the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and they are hereby, amended by adding the following new Rule:

"Rule 44½ - Pre-Trial Procedure; Formulating Issues. —

"Rule 16 of the Rules of Civil Procedure shall be applicable in cases in Admiralty."

Per Mr. Chief Justice Stone.

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Ex parte John Weber,

Petitioner.

—, Original

ON CONSIDERATION of the application submitted herein by John Weber,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Leo T. Schugsda,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Andrew Vialva,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Colorado,

Complainant,

5, Original vs.

State of Kansas, et al.

IT IS ORDERED that the Honorable Charles C. Cavanah, a retired District Judge of the United States, of Boise, Idaho, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as he may deem it necessary to call for, or as may be introduced in the event that the taking of additional testimony is authorized.

The motion now pending before this Court to take additional testimony in the cause is referred to the Master, whose decision shall be final unless a petition for its review by this Court is filed by any party within ten days after the decision.

The Master is directed to examine the evidence already taken in the cause and any further evidence that may be taken, to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court.

In view of the fact that the Master is a retired judge, the Court accepts his offer to serve without compensation, but he shall be allowed his actual expenses. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

If the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation of a Master, which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

799 vs.

William R. Johnson; and

The United States of America,

Petitioner,

800 vs.

Jack Sommers, James A. Hartigan,
John M. Flanagan, et al.

ORDERED that this cause be restored to the docket for reargument on October 12, next.

For purposes of the reargument the briefs, with appropriate record citations, and arguments of counsel will be directed solely to the following questions:

(1) What evidence warranted submission by the trial court to the jury of the charges made as to each of the defendants (a) in each of the four substantive courts, and (b) in the conspiracy count.

(2) In the circumstances of this cause, is proof of gross receipts sufficient to establish that net income resulted from the operation of any enterprise in which respondent Johnson is alleged to have been interested?

(3) To sustain the sentence of respondent Johnson on the first four counts, on petitioner's "expenditure theory," must the record furnish proof that during some one of the four years referred to in those counts his expenditures exceeded reported income, and were made in part from his unreported income received in that particular year?

(4) If so, does the record furnish such proof?

Per Mr. Chief Justice Stone.

Continental Illinois National Bank and Trust Company of Chicago, Conservator of the Estate of Walter R. Blackwell, Incompetent,

Petitioner,

976 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Continental Illinois National Bank and Trust Company of Chicago, Conservator of the Estate of Walter R. Blackwell, Incompetent,

Petitioner,

976 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virdo Jones,

Petitioner,

1031 vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virdo Jones,

Petitioner,

1031 vs.

The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1081 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1081 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Myrtle W. Quinn, as Administratrix
of the Estate of William E. Quinn,
Deceased,

Petitioner,

1108 vs.

American Range Lines, Inc., and
Colabee Steamship Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Myrtle W. Quinn, as Administratrix
of the Estate of William E. Quinn,
Deceased,

Petitioner,

1108 vs.

American Range Lines, Inc., and
Colabee Steamship Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Bauer,

Petitioner,

1153 vs.

Walter B. Martin, as Warden of
Clinton Prison, Dannemora, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Bauer,

Petitioner,

1153 vs.

Walter B. Martin, as Warden of Clinton Prison, Dannemora, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari here in to the Supreme Court of the State of New York, and of the argument of coun sel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Russell Miller,

Petitioner,

1102 vs.

Clinton T. Duffy, Warden, California State Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Russell Miller,

Petitioner,

1102 vs.

Clinton T. Duffy, Warden, California State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here in to the United States Circuit Court of Appeals for the Ninth Circuit, and o the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Russell Miller,

Petitioner,

1103 vs.

Clinton T. Duffy, Warden,
California State Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Russell Miller,

Petitioner,

1103 vs.

Clinton T. Duffy, Warden,
California State Prison.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Harrington,

Petitioner,

1117 vs.

Dr. Walter B. Martin, as Warden of
Clinton Prison, Dannemora, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Harrington,

Petitioner,

1117 vs.

Dr. Walter B. Martin, as Warden of Clinton Prison, Dannemora, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ed Wetzel,

Petitioner,

1129 vs.

W. F. Schaefer, as Trustee of the Estate of Ed Wetzel, Bankrupt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ed Wetzel,

Petitioner,

1129 vs.

W. F. Schaefer, as Trustee of the Estate of Ed Wetzel, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Copley,

Petitioner,

1134 vs.

The Industrial Accident Commission of the State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Copley,

Petitioner,

1134 vs.

The Industrial Accident Commission of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Contardi,

Petitioner,

1149 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Contardi,

Petitioner,

1149 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin M. Perlstein and Harry Paul,

Petitioners,

1079 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Odell Waller,

Petitioner,

1097 vs.

Rice M. Youell, Superintendent of the State Penitentiary, Richmond, Virginia.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Odell Waller,

Petitioner,

1097 vs.

Rice M. Youell, Superintendent of the State Penitentiary, Richmond, Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phillips Pine Line Company,

Petitioner,

923 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Manufacture and Stores Corporation,

Petitioner,

1091 vs.

Marion H. Allen, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Oakland, a Municipal Corporation,

Petitioner,

1092 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ceval Neal,

Petitioner,

1101 vs.

The State of Maryland.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

709 vs.

Kay Manufacturing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Weber,

Petitioner,

157 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Doster Noland,

Petitioner.

—, Original

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Forrest Holiday,

Petitioner.

11, Original

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States of America, to the
Use of Noland Company, Incorporated,

Petitioner,

658 vs.

Alexander D. Irwin, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lillian I. Randall,

Petitioner,

981 vs.

Labaddie Bottoms River Protection District of Franklin County, Missouri.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Josephine V. Hall,

Petitioner,

990 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles B. Rayner,

Petitioner,

1014 vs.

United North and South Development Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tampax, Incorporated, and Tampax Sales Corporation,

Petitioners,

1024 vs.

The Personal Products Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Weber,

Petitioner,

523 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

John P. Nick and Clyde A. Weston,

Petitioners,

712 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John P. Nick and Clyde A. Weston,

Petitioners,

712 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R.

IT IS ORDERED that the call of the docket, except for special assignments, be suspended for the Term upon the conclusion of the argument in case No. 974, and that the Court will then take a recess until Monday, May 11.

Per Mr. Chief Justice Stone.

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Graver Tank & Manufacturing Corporation,

Petitioner,

1180 vs.

New England Terminal Company.

On petition fo

to the United

of Appeals for

IT APPEARING to the Court that counsel fo
ties have filed a stipulation to dismiss the petition fo
in this case;

Therefore, in pursuance of said stipulatio
this Court that the petition for writ of certiorari in th
same is hereby, dismissed.

Per Mr. Chief J

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Chrysler Corporation, et al.,

Appellants,

1036 vs.

The United States of America.

Argument concluded by Mr. Albert Holmes Ba
pellee.

Claude R. Wickard, Secretary of Agriculture, etc., et al.,

Appellants,

1080 vs.

Roscoe C. Filburn.

Argued by Mr. Solicitor General Fahy for th
Mr. Harry N. Routzohn and Mr. Webb R. Clark for the Appel

r writ of certiorari
States Circuit Court
the First Circuit.

r the respective par-
r writ of certiorari

on, IT IS ORDERED by
his case, be, and the

Justice Stone.

ldridge for the Ap-

e Appellants and by
lee.

The United States of America,
ex rel. Bernard Paul Coy,

Petitioner,

973 vs.

The United States of America,
et al.

Argument commenced by Mr. James E. Fa

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Proclamation being made the Court is adjourned until

TUESDAY, MAY 5, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert J. Bulkley, It is ordered that

John Howland, Esquire, of Cleveland, State of Ohio; and

Herbert G. Pillen, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Hughes, Jr., It is ordered that

Eldred E. Adams, Esquire, of Louisa, State of Kentucky; and

William H. Levit, Esquire, of San Francisco, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Mason, It is ordered that Casimir Adam Miketta, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neil Burkinshaw, It is ordered that Charles Pergler, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert W. Clark, It is ordered that

Alex W. Davis, Esquire, of Los Angeles,
State of California;

Pierce Works, Esquire, of Los Angeles,
State of California; and

James R. Withrow, Jr., Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Jean R. Meyer, It is ordered that William Power Maloney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester J. McGuire, It is ordered that William Galbally, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Connor, It is ordered that Joseph E. Kehoe, Esquire, of Melrose, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Reid Turney, Jr., It is ordered that Thomas Winfield Blackwell, Jr., Esquire, of Winston-Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alex L. Andrus, Jr., It is ordered that Richard Charles Cadwallader, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,
ex rel. Bernard Paul Coy,

Petitioner,

973 vs.

The United States of America,
et al.

Argument continued by Mr. James E. Fahey for the Petitioner and concluded by Mr. H. G. Ingraham for the Respondent.

Walter G. Query, et al., etc.,

Petitioners,

619 vs.

The United States of America,
et al.

Argued by Mr. Claude K. Wingate for the Petitioners and by Mr. Assistant Attorney General Clark for the Respondents.

Standard Oil Company of California,

Appellant,

1125 vs.

Charles G. Johnson, as Treasurer of the State of California.

Argued by Mr. Francis R. Kirkham for the Appellant and by Mr. Adrian A. Kragen for the Appellee.

W. B. Parker, Director of Agriculture, et al.,

Appellants,

1040 vs.

Porter L. Brown.

Argued by Mr. Walter L. Bowers for the Appellants and by Mr. G. Levin Aynesworth for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MAY 6, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Edward P. Chase, Esquire, of Santa Fe, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Cecil Mignonae Roeder, of Jacksonville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Chester J. McGuire, It is ordered that John M. Robinson, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph L. Carr, It is ordered that Gail L. Ireland, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carlyle Barton, It is ordered that William Axer Graham, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Padjo Cravens, It is ordered that P. H. Dickerson, Esquire, of Fort Smith, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jack T. Skinner,

Petitioner,

782 vs.

The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma.

Argued by Mr. Mac Q. Williamson for the Respondent and case submitted by Mr. W. J. Hulsey, Mr. H. I. Aston, and Mr. Guy L. Andrews for the Petitioner.

William Ward,

Petitioner,

974 vs.

State of Texas.

Argument commenced by Mr. Leon A. Ransom for the Petitioner; continued by Mr. William Robert Ming, Jr., for the Petitioner; by Mr. Pat Coon and Mr. Spurgeon E. Bell for the Respondent; and concluded by Mr. William Robert Ming, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, MAY 11, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Lorna E. Lockwood, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Joe V. Williams, Jr., Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey Arthur Lupton, It is ordered that John Tilden Rogers, Esquire, of Winston-Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Robert Poage, It is ordered that James Patterson Alexander, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Maxwell Caskie, Jr., It is ordered that Charles Louis Knight, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Roney, It is ordered that William R. Rodenberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald M. McLean, It is ordered that Fred Frieman, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Barton, It is ordered that William L. Craig, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel M. Foster, It is ordered that Fred W. Crow, Esquire, of Pomeroy, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that Marcus A. Hollabaugh, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Paul M. Strack, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Geo. W. Crockett, Jr., Esquire, of Fairmont, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving J. Levy, It is ordered that Walter T. Nolte, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerry Housel, It is ordered that Edwin W. Baron, Esquire, of Cheyenne, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that R. F. Deacon Arledge, Esquire, of Albuquerque, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harriett V. Pence, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

665

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Wisconsin.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas join.

The Sioux Tribe of Indians, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

798

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Byrnes.

The Chief Justice took no part in the consideration or decision of this case.

The Seminole Nation, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

348

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed, with the exception of the disposition of Items One, Three and Four which is in all respects affirmed.

AND IT IS FURTHER ORDERED that the entire cause be, and the same is hereby, remanded to the said Court of Claims with directions to make further findings with respect to Items Two and Five; to determine the additional liability of the Government, if any, thereon; and to find and designate the particular gratuitous expenditures to be offset against the Government's total liability.

Per Mr. Justice Murphy.

Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Jackson.

The Seminole Nation,
Petitioner,
830 vs.
The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to consolidate it with the case of Seminole Nation vs. The United States, No. 348, October Term, 1941; to determine whether a shortage exists in the 200,000 acre tract; to determine whether the Government is liable therefor, and the amount of such liability, if a shortage exists; and to find and designate the precise gratuitous expenditures used to offset the total liability, if any, arising from this claim and from Items Two and Five of No. 348.

Per Mr. Justice Murphy.

Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Jackson.

The United States of America,
Appellant,
723 vs.
The Masonite Corporation, Celotex Corporation, Certain-Teed Products, et al.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts and Mr. Justice Jackson did not participate in the consideration or decision of this case.

Susan G. Reeves,

Petitioner,

841 vs.

William Beardall, as Executor of the Last Will and Testament of Susan J. Graham, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals dismissing the appeal in this cause, be, and the same is hereby, reversed, each party to pay her or his own costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

The United States,

Petitioner,

990 O.T. 1940 vs.

Nunnally Investment Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Byrnes, announced by Mr. Justice Douglas.

C. H. Cochran,

Petitioner,

510 vs.

The State of Kansas and Milton F. Amrine, Warden, Kansas State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

The United States of America,

Appellant,

855 vs.

The Univis Lens Company, Inc., The Univis Corporation, Jack R. Silverman, Myer H. Stanley, G. F. Stanley, N. M. Stanley.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the decree of the said District Court under review on the appeal of The United States of America be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for the entry of an appropriate decree in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

The Univis Lens Company, Inc., The Univis Corporation, Jack R. Silverman, Myer H. Stanley, G. F. Stanley, N. M. Stanley,

Appellants,

856 vs.

The United States of America.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the decree of the said District Court under review on the appeal of The Univis Lens Company, Inc., et al., be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court for the entry of an appropriate decree in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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W. B. Parker, Director of Agriculture, et al.,

Appellants,

1040 vs.

Porter L. Brown.

THIS CAUSE is restored to the docket for reargument on October 12 next. In their briefs and on the oral argument counsel for the parties are requested to discuss the questions whether the state statute involved is rendered invalid by the action of Congress in passing the Sherman Act, the Agricultural Adjustment Act as amended, or any other Act of Congress. The Solicitor General is requested to file a brief as amicus curiae and, if he so desires, to participate in the oral argument.

Per Mr. Chief Justice Stone.

Wade Garrett,

Petitioner,

1107 vs.

Moore-McCormack Company, Inc.,
and American Scantic Line.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wade Garrett,

Petitioner,

Order allowing certiorari.

1107 vs.

Moore-McCormack Company, Inc.,
and American Scantic Line.

The petition herein for a writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

1142 vs.

Charles S. Campbell and the First
National Bank and Trust Co., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

1142 vs.

Charles S. Campbell and the First National Bank and Trust Co., et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William H. Dunn, Jr., and Raymond Krause,

Appellants,

1165 vs.

The State of Ohio.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

894 vs.

R. A. Sprouse.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

The order of this Court dated March 2, 1942, denying certiorari in this case is vacated. The petition for writ of certiorari herein is granted, and the case is assigned for argument immediately following No. 1100, Strassburger vs. Commissioner of Internal Revenue.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

1094 vs.

Callahan Walker Construction Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Emil H. Strassburger,

Petitioner,

1100 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

United Carbon Company and United Carbon Company, Inc.,

Petitioners,

1130 vs.

Binney & Smith Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ludovic Pignatelli,

Petitioner,

1111 vs.

The United States of America.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ludovic Pignatelli,

Petitioner,

1111 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America ex rel. John C. McDermott,

Petitioner,

1116 vs.

Arthur G. Jaeger, United States Marshal for the Eastern District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Alvah H. Weathers, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

1082

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Milburn, Petitioner, vs. Martha Heald. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1104

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Milburn, Petitioner, vs. Orland Heald. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1105

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Montgomery,

Petitioner,

1109 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mae Huffman,

Petitioner,

1110 vs.

Home Owners' Loan Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gulf Refining Company,

Petitioner,

1114 vs.

Mark C. Walker & Son Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gulf Refining Company, Petitioner, vs. Charles Weaver & Company, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

1115

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phil Ryan, Petitioner, vs. Ione Cross, Ruby Cross, an Infant by Ione Cross, her next friend, et al., &c. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1131

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sol Andrews, et al., Petitioners, vs. Equitable Life Assurance Society of the United States, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1135

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addressograph-Multigraph Corporation, Petitioner,

1136 vs.

American Expansion Bolt and Manufacturing Company.

On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John D. McCoach, Trustee, Petitioner,

1144 vs.

J. Rob Griffin, Administrator of the Estate of Robert D. Gordon, deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue, Petitioner,

286 vs.

Southwest Consolicated Corporation.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

286 vs.

Southwest Consolidated Corporation.

A second petition for rehearing having been filed in this ca

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of t application.

W. A. Nailling,

Petitioner,

1042 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R.

The Court will take a recess from today until Monday, May 25, and from that day until Monday, June 1, upon which day it will adjourn for the Term untill otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the Term.

Per Mr. Chief Justice Stone.

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Henry Allen Hill,

Petitioner,

1119 vs.

The State of Texas.

Argued by Mr. Pat Coon and Mr. Spurgeon E. Bell for the Respondent and case submitted by Mr. J. F. McCutcheon for the Petitioner.

William A. Adams, Warden, etc., et al.,

Petitioners,

1169 vs.

The United States of America, ex rel. Gene McCann.

O R D E R.

IT IS ORDERED by this Court that Warner W. Gardner, Esq., of Washington, D. C., be, and he is hereby, appointed counsel for the Respondent in this case.

Per Mr. Chief Justice Stone.

William A. Adams, Warden, etc., et al.,

Petitioners,

1169 vs.

The United States of America, ex rel. Gene McCann.

ON CONSIDERATION of the motion of Warner W. Gardner, counsel for the Respondent, to continue the argument of this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the case is continued until October 12, next, the Solicitor General not objecting.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, May 25, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Warren R. Austin, It is ordered that John Joseph Finn, Esquire, of Barre, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Burton B. Hare, It is ordered that Herbert E. Gyles, Esquire, of Aiken, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that

John T. Rose, Jr., Esquire, of Punta Gorda, State of Florida; and

William Charles Kaleel, Esquire, of Saint Petersburg, State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that James P. Byrnes, Esquire, of Chicago, State of

Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roscoe Rizley, It is ordered that James M. Wilson, Esquire, of Enid, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that

James F. Douglas, Jr., Esquire, of Washington, District of Columbia; and

Emmons M. Sanford, Esquire, of Silver Spring, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Henry H. Spencer, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Pitts, It is ordered that K. Thomas Everngam, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel M. Foster, It is ordered that Richard H. Akers, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ambrose E. Kountz, It is ordered that Austin L. Staley, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Cookman Boyd, Jr., It is ordered that Felix C. Lourie, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leland Hyzer, It is ordered that Elry Stone, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Greaney, It is ordered that T. Murray Robinson, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris W. Lieberman, It is ordered that

David G. Geffner, Esquire, of Providence,
State of Rhode Island; and

Herbert H. Lind, Esquire, of Zanesville,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claudius Oscar Wolfe, It is ordered that Chas. E. Kamp, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. F. Kelly, It is ordered that

Aaron H. Marx, Esquire, of New York,
State of New York; and

James J. McQuirk, Jr., Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Genevieve E. Fredsall, It is ordered that

John H. Bosche, Esquire, of San Francisco,
State of California; and

Philip Adams, Esquire, of San Francisco,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur R. Robinson, It is ordered that John T. Hillis, Esquire, of Logansport, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Gravelle, It is ordered that

Leonard B. Marshall, Esquire, of Terre Haute,
State of Indiana;

Howard Taylor Batman, Esquire, of Terre Haute,
State of Indiana; and

Merl L. Gochenour, Esquire, of Warsaw,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that Frank T. Cullitan, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Jacobson, It is ordered that Benjamin M. Goldstein, Esquire, of Monticello, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Warley L. Parrott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josiah Lyman, It is ordered that Sophie B. Lyman, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Richard J. Connor, It is ordered that Ewing Gordon Simpson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Louis F. Davis, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Talcott M. Banks, Jr., It is ordered that Lyman M. Tondel, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. McCabe, It is ordered that Daniel J. Reidy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that John J. Dolan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Selby, It is ordered that

Howard A. Swartwood, Esquire, of Binghamton,
State of New York; and

William H. Pritchard, Esquire, of Johnson City,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Davis, It is ordered that

Birney Mills Van Benschoten, Esquire, of Flint,
State of Michigan;

Charles M. Van Benschoten, Esquire, of Flint,
State of Michigan;

R. F. Hoke Pollock, Esquire, of Kinston,
State of North Carolina;

Walton S. Shepherd, Jr., Esquire, of Charleston,
State of West Virginia; and

Ray C. Thomas, Esquire, of Gary,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Clayton Lee Burwell, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Enrietto, It is ordered that John Lloyd, Jr., Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfons B. Landa, It is ordered that Miller Walton, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that

Hubert E. Wickens, Esquire, of Greensburg,
State of Indiana; and

Arthur D. Bishop, Esquire, of Flora,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that

Charles Adolph Williams, Esquire, of Oxford,
State of Ohio; and

Wilfred Davis Graham, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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M. Hampton Magruder, Collector of Internal Revenue for the District of Maryland,

Petitioner,

947 vs.

Frederick M. Supplee and Elizabeth G. Supplee, His Wife.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mary W. Stewart, et al.,

Petitioners,

848 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that the decree of the District Court be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Roberts.

The Williams Manufacturing Company,

Petitioner,

332 vs.

United Shoe Machinery Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

The United States of America, ex rel. Bernard Paul Coy,

Petitioner,

973 vs.

The United States of America, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Kentucky.

Per Mr. Chief Justice Stone.

Northern Pacific Railway Company and Great Northern Railway Company,

Appellants,

927 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the District of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 vs.

Railway Express Agency, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following orders of the Court:

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Banque de France,
Appellant,
1154 vs.
The Supreme Court of the State of New York, et al.

Appeal from the Supreme Court of the State of New York, Appellate Division, First Judicial Department.

THIS CAUSE came on to be heard on the transcript of the reco from the Supreme Court of the State of New York, Appellate Division, First Judicial Department, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Cou that the appeal herein be, and the same is hereby, dismissed for the want o jurisdiction.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of thi case.

Banque de France,
Appellant,
1154 vs.
The Supreme Court of the State of New York, et al.

Appeal from the Supreme Court of the State of New York, Appellate Division, First Judicial Department.

TREATING the appeal papers herein from the Supreme Court of the State of New York, Appellate Division, First Judicial Department, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that th said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of thi case.

John A. Kramer,

Appellant,

vs.

Richard Sheehy, as Warden of the State Prison of the State of Nevada.

1202

Appeal from the Supreme Court of the State of Nevada.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nevada, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

John A. Kramer,

Appellant,

vs.

Richard Sheehy, as Warden of the State Prison of the State of Nevada.

1202

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edgar Bohn,

Appellant,

vs.

Mrs. Elizabeth West Bohn.

1212

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court

that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a federal question.

AND IT IS FURTHER ORDERED that damages of 10 percent on the amount of the judgment be, and they are hereby, awarded, it appearing that the appeal was frivolous and taken merely for delay.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Bernard Bahlhorn,

Petitioner.

ON CONSIDERATION of the application submitted herein by Bernard Bahlhorn,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Nicholas Parsin,

Petitioner.

ON CONSIDERATION of the application submitted herein by Nicholas Parsin,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert G. Errington,

Petitioner,

—— vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the application submitted herein by Robert G. Errington,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ed Wetzel,

Appellant,

—— vs.

W. F. Schaefer.

ON CONSIDERATION of the petition for the allowance of an appeal in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Philip A. Weinstein,

Petitioner.

——

ON CONSIDERATION of the motion to direct the Clerk to amend the roll of attorneys to show the change of name of Philip A. Weinstein to "Philip A. Winston",

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the roll of attorneys be so amended.

Per Mr. Chief Justice Stone.

Ex parte George R. Busser,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alfred Bauer,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Cassius McDonald,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Pyle,

Petitioner,

1059 vs.

State of Kansas, et al.

IT IS ORDERED that Joseph P. Tumulty, Jr., Esq., of Washington, D. C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Stone.

Edward Casebeer,

Petitioner,

914 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Casebeer,

Petitioner,

914 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1215 vs.

National Surety Corporation of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1215 vs.

National Surety Corporation of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Theophilus Ward,

Petitioner,

1224 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Theophilus Ward,

Petitioner,

1224 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Al Campeau,

Petitioner,

1227 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Al Campeau,

Petitioner,

1227 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary, Lansing, Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Augustus H. Cottrell,

Petitioner,

1098 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Augustus H. Cottrell,

Petitioner,

1098 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louise Dean Moyer,

Petitioner,

1177 vs.

Frank Hines, as Administrator of Veterans' Affairs.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louise Dean Moyer,

Petitioner,

1177 vs.

Frank Hines, as Administrator of Veterans' Affairs.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis E. Weidhaas,

Petitioner,

1230 vs.

Loew's Inc., and Metro Goldwyn Pictures Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis E. Weidhaas,

Petitioner,

1230 vs.

Loew's Inc., and Metro Goldwyn Pictures Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Edward Rozea,

Petitioner,

1253 vs.

People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Edward Rozea, Petitioner, 1253 vs. People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1171 vs.

The Wayne Pump Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this question.

The United States of America,

Appellant,

1172 vs.

The Wayne Pump Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this question.

National Labor Relations Board,

Petitioner,

Order allowing certiorari.

1137 vs.

Indiana & Michigan Electric Company and Michiana Electrical Utility Workers Association.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Walter L. Mangus and
Rose L. Mangus,

Petitioners,

Order allowing certiorari.

1138 vs.

Matthew A. Miller.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Opal Saxton Davis,

Petitioner,

1211 vs.

Department of Labor and Industries of the State of Washington.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Washington is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

George M. Holley,

Petitioner,

1132 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

W. J. Lamar, et al.,

Petitioners,

1145 vs.

Kentenia Cumberland Corporation, et al.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. J. Lamar, et al.,

Petitioners,

1145 vs.

Kentenia Cumberland Corporation, et al.

On petition for writ of certiorari to the Court of Appeals of the State of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Kentucky, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mayte C. Ross,

Petitioner,

1156 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion to defer consideration of the application for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mayte C. Ross,

Petitioner,

1156 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Klaxon Company,

Petitioner,

1229 vs.

Stentor Electric Manufacturing Company.

ON CONSIDERATION of the motion to use the certified transcript in No. 741, October Term, 1940, and to dispense with the printing thereof,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Klaxon Company,

Petitioner,

1229 vs.

Stentor Electric Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George R. Cooke Company,

Petitioner,

1084 vs.

Nick Maki.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Evans Massengill, Petitioner,

1093 vs.

J. T. Wilson, Administrator of the Estate of Pearl Locklair, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Nez Perce Tribe of Indians, Petitioner,

1096 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eldon Steele, Petitioner,

1118 vs.

The State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina and of the argument of Counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Maggio, Carl Ippolito, Guglielmo Ciccone and Barthol-omew di Nola,

Petitioners,

1120 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Evergreen Farms Company,

Petitioner,

1123 vs.

Willacy County Water Control & Improvement District No. 1.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Miller, Max Miller and Isadore Scarbnick,

Petitioners,

1124 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman E. Heflin and Edward Huell Heflin,

Petitioners,

1126 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The First National Bank of Greeley, Colorado, as Executor and Trustee of the Last Will and Testament of William Labrecht Insinger, etc., et al.,

Petitioners,

1139 vs.

Minnesota Mines, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Franham Distributors, Inc.,

Petitioner,

1143 vs.

New York World's Fair 1939 Incorporated and Swift and Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Davenport Hosiery Mills and United Hosiery Mills,

Petitioners,

1146 vs.

J. Buckner Fisher, Receiver of the Chattanooga National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank G. Rath, et al.,

Petitioners,

1147 vs.

Pearl E. Crosby.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Occidental Life Insurance Company,

Petitioner,

1148 vs.

Sophie Eiler.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernadine Warren, Administratrix ad prosequendum of the Estate of Harry Edward Warren, Deceased,

Petitioner,

1151 vs.

Richard E. Haines, Trading as Annadale Creamery Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert A. Helton, Administrator of the Estate of Walter J. Probert, Deceased,

Petitioner,

1157 vs.

Charles M. Thompson, Trustee of Chicago & North Western Railway Company, etc.

On petition for writ of certiorari to the Appellate Court, First Div., of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court, First Div., of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Wyoming,

Petitioner,

1159 vs.

Yellowstone Park Company.

On petition for writ of certiorari to the Supreme Court of the State of Wyoming.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wyoming and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1161 vs.

Lewis B. Maytag, Alternate Executor of the Estate of Dena B. Maytag, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1162 vs.

Ora B. Maytag, et al., Executors of the Estate of E. H. Maytag, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis N. Rosenbaum,

Petitioner,

1182 vs.

Frederick Brown.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otto C. Berry and General Motors Corporation,

Petitioners,

1141 vs.

Bohn Aluminum & Brass Corporation and Adolph L. Nelson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Manley Oil Corporation, L. B. Manley, J. C. Shoemate, et al.,

Petitioners,

1150 vs.

Shell Oil Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of William S. Hull, Deceased, Messrs. Jonathan W. Hull, and William Harold Carpenter, Surviving Executors,

Petitioners,

1155 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. G. Glover,

Petitioner,

1158 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Myrtle A. Garner,

Petitioner,

1164 vs.

George Alexander.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Moody, August J. Lang, Jr., and R. F. McMullen,

Petitioners,

1167 vs.

Toole County Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wardner G. Scott, State Engineer and Head of the Department of Roads and Irrigation of the State of Nebraska, et al.,

Petitioners,

1174 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gamboa, Rodriguez, Rivera & Co., Inc.,

Petitioner,

1175 vs.

Imperial Sugar Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Community Natural Gas Company,

Petitioner,

1179 vs.

Ruth Ravell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Buckner Fisher, Receiver of the First National Bank of Chattanooga, Tennessee,

Petitioner,

1194 vs.

Louise Whiton, Executrix of the Estate of Annie R. Nottingham, Deceased, et al.

On petition for writ of certiorari to the Court of Appeals of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Tennessee and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy E. Ammond,

Petitioner,

1213 vs.

The Pennsylvania Railroad Company and H. F. Emerson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,.

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Midland Cooperative Wholesale, Inc.,

Petitioner,

1058 vs.

Harold L. Ickes, Secretary of the Interior, et al.

ON CONSIDERATION of the motion to extend the time for filing a petition for rehearing in this case until October 5, 1942,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles B. Rayner,

Petitioner,

1014 vs.

United North and South Development Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles B. Rayner,

Petitioner,

1014 vs.

United North and South Development Company.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. A. Nailling,

Petitioner,

1042 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. A. Nailling,

Petitioner,

1042 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Pedro E. Sanchez Tapia,

Petitioner.

—, Original

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Weber,

Petitioner,

157 O.T. 1939 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. J. Gorman, City Treasurer of Kansas City, Missouri, et al.,

Petitioners,

711 vs.

The Washington University.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Mosher,

Petitioner,

960 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Legh R. Powell and Henry W. Anderson, as Receivers, etc.,

Petitioners,

1021 vs.

Maryland Trust Company, as Successor Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The New York Trust Company, as Surviving Trustee, etc.,

Petitioner,

1075 vs.

Maryland Trust Company, as Successor Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert I. Cassell,

Petitioner,

1077 vs.

Howard University, a corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bert Meredith,

Petitioner,

1099 vs.

Milton P. Amrine, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie J. Viator,

Appellant,

1113 vs.

State Tax Commission, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Contardi,

Petitioner,

1149 vs.

Herbert A. Smith, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Seminole Nation,

Petitioner,

830 vs.

The United States.

ORDERED that the opinion in this case be amended by adding at the end of the first full paragraph on page 4 the following:

"The Government in this Court agrees to this proposition and suggests that the cause be remanded to the Court of Claims."

Per Mr. Chief Justice Stone.

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Ex parte Odell Waller,

Petitioner.

—, Original

Motion for leave to file petition for writ of habeas corpus submitted by Mr. John F. Finerty for the Petitioner.

Ivan W. Mueller,

Petitioner,

1046 vs.

Eunice L. Mueller, et al.

Reported for failure to comply with the Rules.

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Proclamation being made the Court is adjourned until Monday, June 1, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that

Stanley P. Coar, Esquire, of Scranton,
State of Pennsylvania; and

Robert G. Page, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Judson H. West, Esquire, of Indianapolis,
State of Indiana;

Walter Greig, Esquire, of Austin,
State of Texas;

Thomas A. Wheat, Esquire, of Liberty,
State of Texas;

Simon M. Frank, Esquire, of Houston,
State of Texas;

Arthur C. Perry, Esquire, of Austin,
State of Texas;

B. S. Hollimon, Jr., Esquire, of Ennis,
State of Texas; and

Harold P. Thurow, Esquire, of Houston,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank E. Hook, It is ordered that Joseph H. Bourgon, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Harold A. Zelinkoff, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that

John Sparkman, Esquire, of Huntsville,
State of Alabama;

Harold Townley Pounders, Esquire, of Florence,
State of Alabama; and

William James Bailey, Esquire, of Springfield,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Martin E. Blum, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Osmer C. Fitts, It is ordered that Leon D. Latham, Jr., Esquire, of Burlington, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Stark Caruthers, It is ordered that Roy Carrington Bragg, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. McGranery, It is ordered that

John Edward Sheridan, Esquire, of Philadelphia, State of Pennsylvania; and

Charles S. Shotz, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Herman P. Eberharter, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer R. Irion, It is ordered that Marion K. Smith, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick E. Campbell, It is ordered that Christopher T. Lawless, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Robert K. Stuart, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Wendell, It is ordered that

S. Preston Smith, Esquire, of Washington, District of Columbia;

Rowland Edwards, Esquire, of Washington, District of Columbia; and

William J. Sweeney, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Blackburn Barton, It is ordered that Howard T. Mitchell, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that James W. Haley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Robert Hugh Rudd, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that John G. Garlinghouse, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford A. Russell, It is ordered that Russell William Bartels, Esquire, of Wayne, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Zeutzius, It is ordered that Carrie Abell Hodgson, of East Falls Church, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Herbert M. Bingham, It is ordered that

Ruppert Bingham, Esquire, of Butte,
State of Montana; and

Stone E. Bush, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Cabell Brown, It is ordered that

John L. Cecil, Esquire, of Louisville,
State of Kentucky; and

J. Ray Larcombe, Esquire, of Warrenton,
State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman I. Orentlicher, It is ordered that Margaret M. Comey, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Harold F. Watson, It is ordered that

John B. Cuningham, Esquire, of New York,
State of New York; and

William J. Barnes, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss L. Marguerite Rawalt, It is ordered that Eleanor H. Haley, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. John R. Turney, Jr., It is ordered that Frederick Marion Glass, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Meck, Jr., It is ordered that Edmond W. Dillon, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. Syme, It is ordered that Robert L. Reinhardt, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Harry Weissman, It is ordered that Benson S. Telsey, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that

Catherine P. Dolan, of Washington, (Miss)
District of Columbia; and

Clair L. Stout, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that John L. Gushman, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank L. Peckham, It is ordered that David E. Hinckle, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred Brunson MacChesney III, It is ordered that Irving A. Lore, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Saul Richard Gamer, It is ordered that

Harold N. Gast, Esquire, of Perth Amboy,
State of New Jersey; and

John E. Toolan, Esquire, of Perth Amboy,
State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Willard Hayes, It is ordered that Arthur M. Smith, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Archie M. Stevenson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Carleton B. Wood, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Thomas Lynwood Smith, Esquire, of Asheboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank B. Gary, Jr., It is ordered that Richard Thomas Maher, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that James Guenveur Brawley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Emma Naomi Wheeler, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

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William Ward,

Petitioner,

974 vs.

State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Byrnes.

Chrysler Corporation, De Soto Motor Corporation, Plymouth Motor Corporation, Dodge Brothers Corporation and Chrysler Sales Corporation,

Appellants,

1036 vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Byrnes.

Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed joins.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

644 vs.

Cement Investors, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

645 vs.

James Q. Newton Trust.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

646 vs.

James Q. Newton, Jr.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas

Jack T. Skinner,

Petitioner,

782 vs.

The State of Oklahoma, ex rel. Mac Q. Williamson, Attorney General of the State of Oklahoma.

On writ of certiorari to the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Jackson.

Dewey Brillhart, Administrator of the Estate of James Dwight Brillhart, Deceased,

Petitioner,

772 vs.

The Excess Insurance Company of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Jackson join.

Faitoute Iron & Steel Company, the Howard Savings Institution, Florence W. Faitoute, et al.,

Appellants,

896 vs.

City of Asbury Park, a Municipal Corporation of the State of New Jersey.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Mr. Justice Reed concurs in the result.

A. B. Kirschbaum Company,

Petitioner,

910 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts.

Arsenal Building Corporation and Spear & Co., Inc.,

Petitioners,

924 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts.

Standard Oil Company of California,

Appellant,

1125 vs.

Charles G. Johnson, as Treasurer of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Walter G. Query, John P. Derham, and John G. Richards, as Members of and Constituting the South Carolina Tax Commission,

Petitioners,

619 vs.

The United States of America, Major General Henry D. Russell, United States Army, Individually and as Commanding General, Fort Jackson, South Carolina, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of South Carolina for the entry of a fresh decree from which a timely appeal may be taken if the petitioners so desire.

Per Mr. Justice Black.

American Chicle Company,
Petitioner,
913 vs.
The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Smith Betts,
Petitioner,
837 vs.
Patrick J. Brady, Warden of the Penitentiary of Maryland.

On writ of certiorari to the Honorable Carroll T. Bond, a Judge of the State of Maryland, Being a Judge of the Court of Appeals of Maryland from the City of Baltimore.

THIS CAUSE came on to be heard on the transcript of the record from the Honorable Carroll T. Bond, a Judge of the State of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Carroll T. Bond in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Henry Allen Hill,
Petitioner,
1119 vs.
The State of Texas.

On writ of certiorari to the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Criminal Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Columbia Broadcasting System, Inc.,
Appellant,
1026 vs.
The United States of America, Federal Communications Commission and Mutual Broadcasting System, Inc.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Douglas join.

National Broadcasting Company, Inc., Woodmen of the World Life Insurance Society and Stromberg-Carlson Telephone Manufacturing Company,

Appellants,

1025 vs.

The United States of America, Federal Communications Commission and Mutual Broadcasting System, Inc.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Douglas.

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The Chief Justice announced the following orders of the Court:

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Ted Sanford,

Appellant,

1187 vs.

Norfleet Hill, Sheriff of Harris County, Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Fifth Street Building, a Corporation,
Appellant,
vs.
Charles J. McColgan, as Franchise Tax Commissioner of the State of California.

Appeal from the Supreme Court of the State of California.

1239

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Fifth Street Building, a Corporation,
Appellant,
vs.
Charles J. McColgan, as Franchise Tax Commissioner of the State of California.

Appeal from the Supreme Court of the State of California.

1239

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John C. Toole, Joseph R. Applegate, Raymond Dix, et al.,

Appellants,

1245 vs.

Michigan State Board of Dentistry, et al.

Appeal from the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment of John Duggan, Jr.

It having been reported to the Court that John Duggan, Jr., of Pittsburgh, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of April 13, 1942, having suspended the said John Duggan, Jr., from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon the said John Duggan, Jr., who has not filed a return thereto, and that the time to file such return has expired;

IT IS ORDERED that the said John Duggan, Jr., be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

In re Disbarment of

Paysoff Tinkoff.

O R D E R

It having been reported to the Court that Paysoff Tinkoff, of Chicago, State of Illinois, has been disbarred from the practice of the law by the Supreme Court of the State of Illinois;

IT IS ORDERED that the said Paysoff Tinkoff, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

James Baker,

Petitioner,

---- vs.

State of Florida.

ON CONSIDERATION of the application for a further stay of execution herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Odell Waller,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Swift and Company, et al.,

Appellants,

595 vs.

The United States of America,
et al.

ORDERED that the opinion of this Court in this case be amend
by striking from the eighth line of the second full paragraph on page 10 of
the pamphlet print the word "use" and inserting in lieu thereof the words
"establish or become interested in".

Per Mr. Chief Justice Stone.

Swift and Company, et al.,

Appellants,

595 vs.

The United States of America,
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that
the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Adams, Warden of the
City Prison of Manhattan, and
James E. Mulcahy, United States
Marshal,

Petitioners,

1169 vs.

The United States of America, ex
rel. Gene McCann.

O R D E R

IT IS ORDERED that Robert G. Page, Esquire, of New York City
a member of the Bar of this Court, be, and he is hereby, appointed to serve
as counsel for the Respondent in this case in place of Warner W. Gardner.

Per Mr. Chief Justice Stone.

The Public Utilities Commission of Ohio, et al.,

Appellants,

1216 vs.

United Fuel Gas Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

City of Chicago, a Municipal Corporation, et al.,

Petitioners,

706 vs.

Fieldcrest Dairies, Inc.

ON CONSIDERATION of the motion of the Respondent to modify the judgment as to costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin J. Bernards and Lena Bernards,

Petitioners,

2 vs.

M. R. Johnson, et al.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude R. Wickard, Secretary of Agriculture of the United States, et al.,

Appellants,

1080 vs.

Roscoe C. Filburn.

THIS CAUSE is restored to the docket for reargument on Monday, October 12, next, following the cases heretofore assigned for that day. Reargument will be limited to the question whether the Act, insofar as it deals with wheat consumed on the farm of the producer, is within the power of Congress to regulate commerce.

Per Mr. Chief Justice Stone.

Andrew R. Hastings,

Petitioner,

1208 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andrew R. Hastings,

Petitioner,

1208 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Weldon O. McAninch,

Petitioner,

1214 vs.

P. J. Squier, Warden of the United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Weldon O. McAninch,

Petitioner,

1214 vs.

P. J. Squier, Warden of the United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. Walker,

Petitioner,

1219 vs.

James T. Spencer, Substituted for Fount Butler, Administrator of the Estate of Jackson Barnett, Deceased, and the United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. Walker,

Petitioner,

James T. Spencer, Substituted for Pount Butler, Administrator of the Estate of Jackson Barnett, Deceased, and the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paysoff Tinkoff,

Petitioner,

1238 vs.

George W. Griffith, etc., Honorable George W. Bristow.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paysoff Tinkoff,

Petitioner,

1238 vs.

George W. Griffith, etc., Honorable George W. Bristow.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Johnson, Alias
Bradley Johnson,

Petitioner,

1241 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Johnson, Alias
Bradley Johnson,

Petitioner,

1241 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. J. H. Hodges,

Petitioner,

1248 vs.

Ocean Accident & Guarantee Corporation.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. J. H. Hodges,

Petitioner,

1248 vs.

Ocean Accident & Guarantee Corporation.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Nathan Powers,

Petitioner,

1265 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Nathan Powers,

Petitioner,

1265 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Bird,

Petitioner,

1204 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Bird,

Petitioner,

1204 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

1166 vs.

Victor N. Miller, Also Known as Vic Miller, John J. Humphrey, Also Known as John J. Humphrey, Sr., etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

George H. Keys,

Petitioner,

1217 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

City of Salamanca, Home Owners Loan Corporation, et al.,

Petitioners,

1195 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Art Metal Construction Company, for its Own Use and for the Use of McCloskey & Co., Inc.,

Petitioner,

1218 vs.

Lehigh Structural Steel Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Ivan W. Mueller,

Petitioner,

1046 vs.

Eunice L. Mueller, Marion Gertrude Mueller, by Her Guardian ad Litem, Dorothy Shepard, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

IT APPEARING to the Court that counsel for the Petitioner has failed to comply with the rules of this Court;

Therefore, IT IS ORDERED by this Court that the petition for writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Harry Leford Miller and Samuel Eugene Crosby,

Petitioners,

1152 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jake Dees and Frank Dees,

Petitioners,

1168 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lionel A. Goudeau,

Petitioner,

1173 vs.

Amelie Daigle, Widow of Paul J. le Blanc, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. W. Mesta,

Petitioner,

1176 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ozark Chemical Company,

Petitioner,

1178 vs.

H. C. Jones, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Royal Insurance Company, Ltd., Petitioner, vs. Robert A. Smith. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1181

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lena L. Bush, Petitioner, vs. The Order of United Commercial Travelers of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1183

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Canadian Pacific Railway Company, Petitioner, vs. Dennis Sullivan, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

1185

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Modern Factors Company,

Petitioner,

1186 vs.

Tastyeast, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Union Trust Company of the District of Columbia, Executor of the Estate of Caroline G. Caughey,

Petitioner,

1188 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Camille R. Gump, Executrix, Edwin Letts Oliver, Executor of the Estate of Alfred S. Gump, Deceased,

Petitioners,

1192 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

St. Francis Hospital,

Petitioner,

1193 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Manufacturers Trust Company,

Petitioner,

1196 vs.

Charles H. Kelby and Clifford S. Kelsey, Trustees of the Debtor: Prudence-Bonds Corporation (New Corporation), et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

1198 vs.

Anderson-Cottonwood Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marguerite Levy, Executrix of the Estate of William Levy, Deceased,

Petitioner,

1203 vs.

National Battery Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gilbert R. Thiel,

Petitioner,

1206 vs.

Southern Pacific Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jamaica Water Supply Company,

Petitioner,

1207 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Carmine Nardone and Nathan W. Hoffman,

Petitioners,

1220 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Chesapeake and Curtis Bay Railroad Company and the Western Maryland Railway Company,

Petitioners,

1226 vs.

Richfield Oil Corporation of New York.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert R. Williams, Anna M. Williams, the Wife of said Robert R. Williams, et al.,

Petitioners,

1228 vs.

Kenneth S. Keyes, Alex M. Balfe, C. D. Van Orsdel, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. F. Howard,

Petitioner,

1232 vs.

United States, ex rel. S. S. Alexander, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Equitable Life Assurance Society of the United States,

Petitioner,

1236 vs.

Emma R. Tucker.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Manila Gas Corporation and the Islands Gas and Electric Company,

Petitioners,

1127 vs.

The Collector of Internal Revenue of the Philippine Islands.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry D. Baker,

Petitioner,

1222 vs.

William H. Delay, State Police Detective.

On petition for writ of certiorari to the Superior Court, County of Suffolk, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court, County of Suffolk, Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilson & Co., Inc.,

Petitioner,

1189 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Engineers Club of Philadelphia,

Petitioner,

1201 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel J. Houlihan,

Petitioner,

1223 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Peoples Natural Gas Company and Edward M. Borger, President, The Peoples Natural Gas Company,

Petitioners,

1234 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Golden Gate Bridge and Highway District of California (a Public Corporation of the State of California),

Petitioner,

1235 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Judson Zimmer, Substitute Trustee of Fonda, Johnstown and Gloversville Railroad Company,

Petitioner,

1254 vs.

New York State Tax Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Judson Zimmer, Substitute Trustee of Fonda, Johnstown and Gloversville Railroad Company,

Petitioner,

1255 vs.

New York State Tax Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Heilig Brothers Co.,

Petitioner,

1199 vs.

National Labor Relations Board.

On petition for writ of certiorari to the District Court of the United States for the Middle District of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of the United States for the Middle District of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Heilig Brothers Co.,

Petitioner,

1200 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederick Rodiek, Ancillary Executor, etc.,

Petitioner,

325 vs.

The United States of America, et al.

ON CONSIDERATION of the motion for an extension of the Term and for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy, and Mr. Justice Jackson took no part in the consideration or decision of this application.

The Schenectady Union Publishing Company,

Petitioner,

745 vs.

Martin L. Sweeney.

ON CONSIDERATION of the motion for an extension of the Term and for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.; and

S. Mayner Wallace,

Petitioner,

122 vs.

Johanna F. Fiske, et al.

ON CONSIDERATION of the motion for leave to file a motion to vacate the orders denying certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

S. Mayner Wallace,

Petitioner,

121 vs.

Johanna F. Fiske, et al.; and

S. Mayner Wallace,

Petitioner,

122 vs.

Johanna F. Fiske, et al.

ON CONSIDERATION of the motion to vacate the orders denying certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Odell Waller,

Petitioner,

1097 vs.

Rice M. Youell, Superintendent of the State Penitentiary, Richmond, Virginia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jennie Summers,

Petitioner,

809 vs.

Paul Rice and Mabel Rice.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard E. Marine,

Petitioner,

1034 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

738 vs.

Citizens Loan & Trust Co., Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phillips Pipe Line Company,

Petitioner,

923 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Midland Cooperative Wholesale, Inc.,

Petitioner,

1058 vs.

Harold L. Ickes, Secretary of the Interior, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mishawaka Rubber and Woolen Manufacturing Company,

Petitioner,

649 vs.

S. S. Kresge Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harriett V. Pence,

Petitioner,

665 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1081 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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O R D E R.

The Court will take a recess from today until Monday, June 8, upon which day it will adjourn for the Term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the Term.

Per Mr. Chief Justice Stone.

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Proclamation being made the Court is adjourned until Monday, June 8, next, at 12 o'clock.

MONDAY, JUNE 8, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
James F. Byrnes,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Doris Rita Williamson, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that M. M. Roberts, Esquire, of Hattiesburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Morton Liftin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Hilton Levy, It is ordered that George Zolotar, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen J. McMahon, It is ordered that Henry D. O'Connor, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered Gibbs Latimer Baker, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee F. Dante, It is ordered that Joseph Lancaster Brent Bodfish, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Colquitt, It is ordered that Charles B. Heinemann, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that John E. McCullough, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that

Wm. Paul Pinkerton, Esquire, of Kansas City,
State of Missouri; and

Meyer Wolfe Meritt, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

622 vs.

A. H. Belo Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Justice Byrnes.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy join.

Overnight Motor Transportation Company, Inc.,

Petitioner,

939 vs.

William H. Missel.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland.

Per Mr. Justice Reed.

The Chief Justice concurs in the result.

Dissenting: Mr. Justice Roberts.

Rosco Jones,

Petitioner,

280 vs.

City of Opelika.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of this Court entered herein on February 9, 1942, be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

Rosco Jones,

Petitioner,

280 vs.

City of Opelika.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy in which the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas concur.

Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy announced by Mr. Justice Black.

Lois Bowden and Zada Sanders,

Petitioners,

314 vs.

City of Fort Smith, Arkansas.

On writ of certiorari to the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy in which the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas concur.

Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy announced by Mr. Justice Black.

Charles Jobin,

Appellant,

966 vs.

The State of Arizona.

Appeal from the Supreme Court of the State of Arizona.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy in which the Chief Justice, Mr. Justice Black, and Mr. Justice Douglas concur.

Dissenting opinion by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy announced by Mr. Justice Black.

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The Chief Justice announced the following order of the Court:

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The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

A motion for leave to file a second petition for rehearing and a second petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the motion for leave to file and second petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, dated November 10, 1941, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, on the Relation of Thomas Henry Robinson, Jr.,

Petitioner,

315 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court, including leave to petitioner to apply for a hearing before the court en banc.

Per Mr. Chief Justice Stone.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R.

IT IS ORDERED that Rule 46 of the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and it is hereby, amended by adding thereto the following paragraph:

"During time of war the court may in its discretion, upon its own motion or that of any person, direct that any admiralty proceeding be conducted in private and that the records, pleadings, evidence and documents filed therein be impounded, if it has reason to believe that disclosure of them may be contrary to the national interest. In any admiralty proceeding, during time of war, to which the United States or an officer

or agency thereof is not a party, the court shall give to the Attorney General prompt notice of the pendency of the proceeding and its nature."

Per Mr. Chief Justice Stone.

Amanda Eleanor Wold,

Petitioner,

—— vs.

Industrial Accident Commission of California, et al.

ON CONSIDERATION of the application submitted herein by Amanda Eleanor Wold,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. D. Ryan, et al., etc.,

Petitioners,

—— vs.

Pennsylvania Public Utility Commission.

ON CONSIDERATION of the application for a stay in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Burrall,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John St. Francis Slaughter,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Kumezo Kawato,

Petitioner.

12, Original

ON CONSIDERATION of the motion for leave to proceed on typewritten papers herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Kumezo Kawato,

Petitioner.

12, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The application is assigned for argument on Monday, October 12, next. The Solicitor General is requested to file a brief, and, if he so desires, to participate in the oral argument.

Per Mr. Chief Justice Stone.

The United States of America Upon the Relation and for the Use of The Tennessee Valley Authority,

Petitioner,

500 vs.

W. P. N. Powelson, Assignee, etc., et al.

This case is restored to the docket for reargument on Monday, October 12, next. The reargument will be limited to the questions presented in points II to VII, inclusive, of the Government's brief. Counsel are requested to discuss in their briefs the legislative history, so far as relevant, of sec. 25 of the Tennessee Valley Authority Act.

Per Mr. Chief Justice Stone.

J. Buckner Fisher, Receiver of the First National Bank of Chattanooga, Tennessee,

Petitioner,

1194 vs.

Louise Whiton, Executrix of the Estate of Annie R. Nottingham, Deceased, et al.

On petition for writ of certiorari to the Court of Appeals of the State of Tennessee.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Benjamin McNabb, Freeman McNabb and Raymond McNabb,

Petitioners,

949 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Benjamin McNabb, Freeman McNabb and Raymond McNabb,

Petitioners,

Order allowing certiorari.

949 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

1163 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

Order allowing certiorari.

1163 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Benjamin McNabb, et al.,

Petitioners,

949 vs.

The United States of America.

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Jessie William Miller,

Petitioner,

1163 vs.

The United States of America.

O R D E R.

In these cases the Court directs that the expense of printing

the records be paid by the United States, pursuant to 28 U.S.C. §832.

Harlan F. Stone

Chief Justice of the United States.

Dated this 8th day of June, 1942.

Ansel Higgins,

Petitioner,

1252 vs.

Carr Brothers Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ansel Higgins,

Petitioner,

Order allowing certiorari.

1252 vs.

Carr Brothers Company.

The petition herein for a writ of certiorari to the Supreme Judicial Court of the State of Maine is granted. In view of the Act of August 24, 1937 (28 U.S.C. sec. 401), the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Fair Labor Standards Act is drawn in question in this case.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William C. Crockett,
Petitioner,
1045 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied, but without prejudice to an application for habeas corpus to the proper district court.

Per Mr. Chief Justice Stone.

William C. Crockett,
Petitioner,
1045 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,
Petitioner,
1197 vs.
The Bank of Nova Scotia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo,
Petitioner,
1197 vs.
The Bank of Nova Scotia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

John Sawa,
Petitioner,
1266 vs.
State of Indiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Sawa,
Petitioner,
1266 vs.
State of Indiana.

On petition for writ of certiorari to the Criminal Court, Lake County, State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court, Lake County, State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Merrill L. Gall,

Petitioner,

937 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Merrill L. Gall,

Petitioner,

937 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Carey,

Petitioner,

938 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Carey,

Petitioner,

938 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank McKee and James Ryan,

Petitioners,

1085 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank McKee and James Ryan,

Petitioners,

1085 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Dulaney Mitchell, alias H. D. Morton,

Petitioner,

1112 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Dulaney Mitchell, alias H. D. Morton,

Petitioner,

1112 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oren Lester Record,

Petitioner,

1214 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oren Lester Record,

Petitioner,

1244 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Roberts,

Petitioner,

1267 vs.

John J. Bennett, Jr., as Attorney General of the State of New York and Ransom Pratt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Roberts,

Petitioner,

1267 vs.

John J. Bennett, Jr., as Attorney General of the State of New York and Ransom Pratt.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marlin N. Holton,

Petitioner,

1259 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marlin N. Holton,

Petitioner,

1259 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marlin N. Holton,

Petitioner,

1260 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marlin N. Holton,

Petitioner,

1260 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roydon M. Barrett,

Petitioner,

1284 vs.

Charles W. Williamson.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roydon M. Barrett,

Petitioner,

1284 vs.

Charles W. Williamson.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

Order allowing certiorari.

875 vs.

Chicago, Milwaukee, St. Paul and
Pacific Railroad Co.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

Order allowing certiorari.

876 vs.

Union Trust Co., and Illinois State
Trust Co., as Trustees, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

Order allowing certiorari.

877 vs.

Israel A. Abrams, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

878 vs.

H. C. Orton, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

879 vs.

Guaranty Trust Co. of New York, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

880 vs.

Chicago, Terre Haute & Southeastern Ry. Co., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

881 vs.

United States Trust Co. of New
York, as Trustee, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

882 vs.

Trustees of Princeton University,
et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Group of Institutional Investors
and Mutual Savings Bank Group,

Petitioners,

883 vs.

E. Stanley Glines, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Reconstruction Finance Corporation,

Petitioner,

Order allowing certiorari.

988 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Warren-Bradshaw Drilling Company,

Petitioner,

Order allowing certiorari.

887 vs.

O. V. Hall, Individually and as Agent of W. M. Slaid, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mother Lode Coalition Mines Company,

Petitioner,

Order allowing certiorari.

1249 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question stated in the Government's memorandum, and the case is placed on the Summary Docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ringling Brothers - Barnum & Bailey Combined Shows, Inc.,

Petitioner,

1221 vs.

George H. Sheppard, Comptroller of Public Accounts of the State of Texas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Enterprise Box Company,

Petitioner,

1275 vs.

Thomas W. Holland, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, United States Department of Labor, as the party respondent in the place and stead of Thomas W. Holland, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Enterprise Box Company,

Petitioner,

1275 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Continental Baking Company, Petitioner, vs. Jesse Buspus. 943

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O. O. Owens, Petitioner, vs. Commissioner of Internal Revenue. 1184

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gladys M. Westphal, Widow of F. Gilbert Westphal, et al., Petitioner, vs. Kansas City Life Insurance Company, Kansas City, Missouri. 1209

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gladys M. Westphal, Widow of F. Gilbert Westphal,

Petitioner,

1210 vs.

Kansas City Life Insurance Company, Kansas City, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph H. Moskowitz,

Petitioner,

1225 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guantanamo Sugar Company,

Petitioner,

1205 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Concord Company, Petitioner, vs. Walter R. Willcuts, et al., as Executors of the Will and Estate of L. M. Willcuts, Collector of Internal Revenue of the United States.

1237

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aladdin Industries, Incorporated, Petitioner, vs. National Labor Relations Board.

1247

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Algoma Net Company, Petitioner, vs. National Labor Relations Board.

1256

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Seminole Nation,

Petitioner,

348 vs.

The United States.

ORDERED that the opinion of this Court in this case be amended by adding after the first full paragraph on page 16 of the opinion the following paragraph:

"Upon the remand the Court of Claims will be free to consider any legal or equitable defenses which the Government may interpose to the claims asserted there by petitioner."

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this order.

The judgment in this case, dated May 11, 1942, as amended, to read as follows:

The Seminole Nation,

Petitioner,

348 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed, with the exception of the disposition of Items One, Three and Four which is in all respects affirmed.

AND IT IS FURTHER ORDERED that the entire cause be, and the same is hereby, remanded to the said Court of Claims with directions to make further findings with respect to Items Two and Five; to determine the additional liability of the Government, if any, thereon; and to find and designate the particular gratuitous expenditures to be offset against the Government's total liability.

Upon the remand the Court of Claims will be free to consider any legal or equitable defenses which the Government may interpose to the claims asserted there by petitioner.

Per Mr. Justice Murphy.

Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Jackson.

The Seminole Nation,

Petitioner,

348 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Julian W. Fretwell,

Petitioner,

618 vs.

Peoples Service Drug Stores, Inc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Julian W. Pretwell,

Petitioner,

618 vs.

Peoples Service Drug Stores, Inc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Miltor Roe Sabin and Bertha Florence Sabin,

Petitioners,

786 vs.

Home Owners' Loan Corporation.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

786 vs.

Home Owners' Loan Corporation.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

723 vs.

The Masonite Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this application.

George Bohnke and Mrs. Henry T. (Eloise) Brown,

Petitioners,

1005 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ella H. Tinkoff, Debtor, et al.,

Petitioners,

1030 vs.

Ben Gold, Trustee, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Russell Miller,

Petitioner,

1102 vs.

Clinton T. Duffy, Warden, etc.; and

John Russell Miller,

Petitioner,

1103 vs.

Clinton T. Duffy, Warden, etc.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John D. McCoach, Trustee,

Petitioner,

1144 vs.

J. Rob Griffin, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Johnson, alias Bradley Johnson,

Petitioner,

1241 vs.

State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

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The Chief Justice announced the following order:

O R D E R.

All cases submitted and all business before the Court at this Term in readiness for disposition having been disposed of,

IT IS ORDERED by this Court that all cases on the docket be, and they hereby are, continued to the next term.

Per Mr. Chief Justice Stone.

Proclamation being made the Court is adjourned to the time and place appointed by law.